

JOURNAL
OF THE
SENATE
OF THE
2003 GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA

FIRST SESSION

2003

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OF
THE SENATE OF THE NORTH CAROLINA
GENERAL ASSEMBLY
2003 SESSION**

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22	HARRIS BLAKE (R)	Pinehurst
23	ELEANOR KINNAIRD (D).....	Carrboro
24	HUGH WEBSTER (R)	Burlington

25	WILLIAM R. PURCELL (D)	Laurinburg
26	PHILIP E. BERGER (R)	Eden
27	KAY R. HAGAN (D)	Greensboro
28	KATIE G. DORSETT (D)	Greensboro
29	JERRY W. TILLMAN (R)	Archdale
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31	HAMILTON C. HORTON, JR. (R)	Winston-Salem
32	LINDA GARROU (D)	Winston-Salem
33	STAN BINGHAM (R)	Denton
34	ANDREW C. BROCK (R)	Mocksville
35	FERN SHUBERT (R)	Marshville
36	FLETCHER L. HARTSELL, JR. (R)	Concord
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44	AUSTIN M. ALLRAN (R)	Hickory
45	VIRGINIA FOXX (R)	Banner Elk
46	WALTER H. DALTON (D)	Rutherfordton
47	JOE SAM QUEEN (D)	Waynesville
48	TOM APODACA (R)	Hendersonville
49	STEVE METCALF (D)	Weaverville
50	ROBERT C. CARPENTER (R)	Franklin

SENATE JOURNAL

2003 SESSION

FIRST DAY

Senate Chamber
Wednesday, January 29, 2003

In accordance with law as set forth in the Constitution of the Senate of North Carolina and G.S. 120-11.1, the Senate of the General Assembly of North Carolina assembles this day at the hour of 12:00 Noon in the Senate Chamber of the Legislative Building in the City of Raleigh.

The Honorable Beverly Perdue, Lieutenant Governor, calls the Senate to order.

The President extends privileges of the floor to the spouses of the Senators-elect and to the individuals invited by a Senator-elect and requests that they be seated beside their spouse or host.

The President recognizes the Sergeant-at-Arms of the 2001 Session of the General Assembly who announces the presence of the members of the Judiciary and the Secretary of State at the doors of the Senate. The President directs the Sergeant-at-Arms to open the doors of the Senate and to escort the members of the Judiciary to their seats.

The Chair directs the Sergeant-at-Arms of the 2001 Session of the General Assembly to open the doors of the Senate and to escort Ms. Victoria Livengood, Metropolitan Opera star from Thomasville, North Carolina, to the Well of the Senate.

The Chair introduces The Reverend Mike Morris, who is serving as Senate Chaplain for the 2003 Session of the General Assembly, who offers prayer as follows:

“Almighty God, the Senate of North Carolina convenes. As you watch over these proceedings, O God, you know that no day is more celebrative than the opening day of a new session.

“For on this day and in this Senate Chamber there is the intersection of the hopes and dreams of so many, the hopes of the people of our State who voted last November for visionary leaders, the dreams of the fifty men and women who stand here in service to those people back home.

“The enthusiasm of this hour will be tested soon by the challenges that must be faced. But you know these Senators, O God, you know their needs, you know their motives, you know their hopes and, yes, you know their fears. So I ask that you put your arm around them to give them strength and speak to them to give them wisdom greater than their own.

“Grant each Senator in the days ahead the grace to remember and reflect the love and support of family and friends who surround them at this moment and may they act always in the best interest of those whom they serve. In your Holy Name we pray, Amen.”

PRESENTATION OF THE COLORS

The Chair orders the Sergeant-at-Arms of the 2001 Session to open the doors of the Chamber for the presentation of the Colors by the Washington High School Army Junior ROTC Cadets. (*See Appendix.*)

PLEDGE OF ALLEGIANCE

Led by the Lieutenant Governor, the Senators-elect, distinguished guests, and all of those present remain standing and pledge allegiance to the flag of the United States of America.

NATIONAL ANTHEM

The President recognizes Victoria Livengood who sings the National Anthem.

CALL OF THE ROLL

The Chair directs the Principal Clerk of the 2001 Session to call the roll by Senatorial Districts and the following Senators-elect appear with the proper certificate of election received from the Secretary of State, The Honorable Elaine F. Marshall:

THE 2003 NORTH CAROLINA SENATE

I, Elaine F. Marshall, Secretary of State of the State of North Carolina, do hereby certify that the State Board of Elections met Tuesday, the 19th day of November, A.D., 2002, in accordance with Chapter 163 of the General Statutes of North Carolina, at which time the Board did open, canvass and judicially determine the returns of votes cast in the election held on Tuesday, November 5th, 2002, and certified to me the persons duly elected as members of the Senate from the various Senate Districts comprising of more than one county, and all others have been certified to me in the abstracts by the State Board of Elections as having the highest number of votes cast in the election for the Senate from districts composed of one county only, for the General Assembly of 2003, to wit:

DISTRICT	NAME
First	Marc Basnight
Second	Scott Thomas
Third	Clark Jenkins
Fourth	Robert L. Holloman
Fifth	Tony P. Moore
Sixth	Cecil Hargett
Seventh	John Kerr
Eighth	R. C. Soles, Jr.
Ninth	Patrick J. Ballantine
Tenth	Charles W. (Charlie) Albertson
Eleventh	A. B. Swindell
Twelfth	Fred Smith

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Thirteenth	David F. Weinstein
Fourteenth	Vernon Malone
Fifteenth	John H. Carrington
Sixteenth	Eric Miller Reeves
Seventeenth	Richard Stevens
Eighteenth	Wib Gulley
Nineteenth	Tony Rand
Twentieth	Jeanne H. Lucas
Twenty-first	Larry Shaw
Twenty-second	Harris Blake
Twenty-third	Ellie Kinnaird
Twenty-fourth	Hugh Webster
Twenty-fifth	William R. (Bill) Purcell
Twenty-sixth	Philip E. (Phil) Berger
Twenty-seventh	Kay R. Hagan
Twenty-eighth	Katie G. Dorsett
Twenty-ninth	Jerry W. Tillman
Thirtieth	John Garwood
Thirty-first	Hamilton C. (Ham) Horton, Jr.
Thirty-second	Linda Garrou
Thirty-third	Stan Bingham
Thirty-fourth	Andrew C. Brock
Thirty-fifth	Fern Shubert
Thirty-sixth	Fletcher L. Hartsell, Jr.
Thirty-seventh	Daniel G. (Dan) Clodfelter
Thirty-eighth	Charlie Dannelly
Thirty-ninth	Robert (Bob) Rucho
Fortieth	Robert Pittenger
Forty-first	R. B. Sloan, Jr.
Forty-second	James (Jim) Forrester
Forty-third	David W. Hoyle
Forty-fourth	Austin Allran
Forty-fifth	Virginia Foxx
Forty-sixth	Walter H. Dalton
Forty-seventh	Joe Sam Queen
Forty-eighth	Tom Apodaca
Forty-ninth	Steve Metcalf
Fiftieth	Robert C. (Bob) Carpenter

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal.

DONE IN OFFICE at Raleigh, this 28th day of January, 2003.

(SEAL)

S/Elaine F. Marshall
Secretary of State

The President of the Senate recognizes The Honorable Dennis J. Winner, Senior Resident Superior Court Judge, Judicial District 28, who administers the following

Oath of Office, to which those present respond and subscribe:

“I do solemnly swear or affirm that I will support the Constitution and laws of the United States, and I do solemnly and sincerely swear or affirm that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and I do solemnly and sincerely swear or affirm that I will faithfully discharge the duties of my office as a member of the Senate of the 2003 General Assembly of the State of North Carolina to the best of my knowledge and ability, so help me, God.”

With fifty Senators answering the call of the roll, the President declares a quorum present and qualified.

The President extends privileges of the floor to Bob Eaves, husband of the Lieutenant Governor; former State and United States Senator Robert Morgan, from Harnett County; former Senator Joe Thomas, from Craven County; former Senator Richard Conder, from Richmond County; former Senator Bill Martin, from Guilford County; former Senator Wendell Murphy, from Duplin County; Chief Leon Jones and Patrick Lambert from the Cherokee Indian Tribe; and Interpreter Grace Bullon; and courtesies of the gallery to Bobby Owens and Jim Kerr, members of the Utilities Commission.

ORGANIZATION OF THE SENATE

The President announces that the Senate stands ready to proceed with the election of officers, and declares the floor open for nominations for President *Pro Tempore* of the Senate, pursuant to Article II, Section 14(1) of the *North Carolina Constitution*.

The President recognizes Senator Lucas who offers the following nomination and remarks:

“Madame President, I'd like to make a nomination. Madame President, Sandy Basnight, members of the Senate, ladies and gentlemen, this is a wonderful day in North Carolina. It's a day when we, the members of this great Legislative Body, will focus our energies, reaffirm our allegiance to the citizens of North Carolina and then move forward with prudence and sound judgment. However, as with any body of leaders representing diverse constituencies, political affiliations, and geographical locations from around this State, it's absolutely important for us to move forward. But it's impossible to move forward without a proven, effective leader who will be at the helm of this Senate Chamber, who intends to move us forward during this millennium which is filled with wonderful opportunities for all of our citizens. Who is that leader? None other than our own Marc Basnight. Who can handle such a phenomenal task? Marc Basnight. Marc is one who has proven his unwavering commitment promoting the interests and meeting the needs of all North Carolinians. He has stood in the center of the economic storms our State has faced with clear vision and an unshakable faith in North Carolina's resiliency and North Carolina's

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ability to rebound and progress. Despite the winds of recession and budget shortfalls, Marc is one who came to this body, seeking not what his position as a State Senator could do for him but, I believe, what he could do in his position as a Senator for those who are outside of Raleigh's boundaries. Marc came humbly, I understand with bare feet, slow to speak, quick to listen and able to discern between partisan agendas and philosophical ideologies, and to just determine what is best for the people of our State. Marc has been able to bridge dividing lines and create consensus which has resulted in positive and direct action. Marc has been willing to go against the grain and just to stand for what is right and what matters. It doesn't matter what the cost is. The Reverend Dr. Martin Luther King Jr. once said, 'The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where that man stands at a time of challenge and at a time of controversy.' Marc Basnight's character epitomizes the essence of Dr. King's words and exemplifies the caliber of leadership we need at the helm of the Legislative Body. Marc has been an illuminary figure who has been one to include all in his decisions. His list of accomplishments is just very lengthy but I want you to know that had he not been at the helm of our Senate, that the following may not have been accomplished and so we are very proud of him for being there to help us reduce class size and bring forth the best teachers and provide the necessary resources for our community colleges and universities. He has also been able to keep North Carolina families with new jobs and affordable or greater healthcare and also safer neighborhoods and a cleaner environment. But none of this could have been possible without Marc, and we need that continued leadership as we keep our State moving forward. In conclusion, I thought about a poem that Greer and Kohn wrote in the book, *A Call to Character*, and they talk about compassion, and there's a little statement there on what you do with what you've got and I thought about Marc in reading that because, Marc, it's not just what you're born with, but what you choose to do with what you have. It's not how large your share is, but how much you are willing to share, and we know how much you share. It's not the fight you dream of, but those that you really fought. It's not what you're given, but what you do with what you've got. Marc, you've used your strong legs to walk around this State. You've used your voice to articulate the issues. You've used your ears to listen so that you can do what the people of this State need, and you've expressed a sincere love for this State. Today, ladies and gentlemen, I'm honored and extremely proud to place in nomination the name of Senator Marc Basnight, as President *Pro Tempore* of the North Carolina Senate. Thank you."

The President recognizes Senator Swindell who offers the following nomination and remarks:

"I'm privileged and proud to second the nomination of Senator Marc Basnight as President *Pro Tempore* of the North Carolina State Senate. Those of us who know Marc have felt the force of his great passion for making North Carolina a better place to live. We have seen his steadfast commitment to creating jobs, improving opportunity, improving education, and reforming and streamlining government so it works better, and serves better the people of North Carolina. We have been inspired by his energy on behalf of all North Carolinians, even through long, frustrating, and difficult sessions of the General Assembly. We have shared his dreams for North Carolina in which every child and every person matters, no matter where they live, from the mountains to the sand. Senator Basnight, as you know, grew up along the

coast, but he has truly strived to represent all of North Carolina. He has traveled across our great State more times than I can count, stopping in gas stations, restaurants, to speak to the customers, to see how we can better serve the citizens of North Carolina. Senator Basnight is one of the most dedicated public servants I know and more. He is a true leader who relies on input, inclusiveness, and he expects people to do the right things. He is a loyal friend to all of us, working in a bipartisan manner for the good of North Carolina. This Senate and this State have benefited from his dedication to North Carolina. And now in these difficult times, we need Marc Basnight as our President *Pro Tempore* more than ever. Ladies and Gentlemen of the Senate, I am honored to second the nomination of Senator Marc Basnight for President *Pro Tempore* of the North Carolina State Senate. Thank you.”

The President recognizes Senator Ballantine who offers the following remarks:

“Ladies and gentlemen of the Senate, I rise to say to the members of this great Body and to the State of North Carolina that the time has come for statesmanship, not partisanship. Although Republicans in this Senate garnered a majority of the statewide popular vote fifty-one percent to forty-seven percent, the elections are over and we are not just Democrats or Republicans, we are fifty Senators elected by our constituents to do the work that we need to do. Our constituents expect leadership; they expect us to be problem solvers. We have twenty-two republican Senators who are very strong and talented. We hope that by voting for Senator Marc Basnight in this ceremonial vote we show good faith that we want to be bipartisan, that we want to work together and we expect that this extension of good faith be reciprocated. The Senate, as many of you freshmen will find, is a deliberative but very collegiate body. We are all friends and we are optimistic that by working together we can meet the challenges of our State, and there are many. We face possibly a two-billion dollar budget deficit. Our caucus does not believe that taxing and spending is the right answer. We want our alternative solutions to be considered. We hope to work with Democrats because only together can we bring our State out of the ditch of financial crisis and on the road to prosperity. North Carolina deserves better. Let’s go to work for the people of this great State, and we hope by our vote today that we will show good faith and we can do that starting today. Thank you very much.”

Senator Rand offers a motion that the nominations be closed and that Senator Basnight be elected President *Pro Tempore* by acclamation which motion prevails.

The President declares Senator Basnight duly elected President *Pro Tempore* and appoints Senator Hagan, Senator Soles, Senator Garrou, Senator Hoyle, Senator Swindell, and Senator Lucas to escort the President *Pro Tempore*-elect to the Well of the Senate. Senator Hoyle presents Senator Basnight to the President. The Sergeant-at-Arms escorts Senator Basnight's daughter, Caroline Basnight Shannon, to the Well of the Senate to join him as he receives the Oath of Office. The Honorable William C. Griffin, Jr., Senior Resident Superior Court Judge, Judicial District 2, administers the prescribed Oath of Office.

The President recognizes Senator Marc Basnight, President *Pro Tempore*, who addresses the Senate from the Well of the Senate and offers the following remarks:

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“First I would like to welcome the families, friends, and guests who are gathered here today, and I want to thank Senator Lucas, Senator Swindell and Senator Ballantine for making the nomination that allows me to be your President *Pro Tempore*. I further would like to thank Senator Dennis Winner, most especially, who sat in this Chamber and did the good work of the people of this State for so many years. I know you'll be happy to know I did not wear any of his ties, as he had a habit of choosing the worst. But now with the robe there are some restrictions. Dennis, you are a great friend to me. William Griffin, that man whom I chose to have swear me in, is one of the best Judges this State has and one of the best friends we have in our companionship in moving North Carolina forward. I'd like to thank my Lieutenant Governor and your Lieutenant Governor for the work that she did as a Senator and for what she does and believes in today on behalf of the people of this great State. There is not a finer or better-prepared person in elected office to be found today. I'd like to thank, also, each and every one of you who made contributions to our food bank today. I'm sure you all made that contribution because it does help those who are in need most. Additionally, I'd like to thank CVS and Bi-Lo who gave tractor-trailer loads of food for this opening session so it was our most successful year ever. I'd like to thank the new members for being here and for having the courage and the strength to run for political office in North Carolina and to be successful. Regardless of your party affiliation, welcome to your Senate. Now it's time for all of us to have the courage that is necessary to move North Carolina forward, to make the changes that are rightfully strong for the welfare for all of our people regardless of our color, our background, our station in life. If we're going to have the successes we all dream of as a State and continue to be a leader in this Nation educationally, in the recruitment of jobs, and as a place to live, there is work to be done. There are teachers among us today. We all know the importance of public education, of community colleges, of universities, and of private education. I want to thank each and every one of you for giving of your body and your soul to train and prepare the minds of the future generations who will follow us. I attended a funeral recently in Elizabeth City. The man who passed away was ninety years of age. His name was W. C. Wetherspoon. Mr. Wetherspoon started his career as a public school teacher in the Mecklenburg County system. He later ended up in Camden County where he was a principal. Mr. Wetherspoon had to make the kind of decisions on behalf of the children that all of us wish we were able to do even being non-teachers. Daily he brought them into the classrooms. He struggled with their difficulties that they had at home and the difficulties they had with learning for those that were not as quick as others. There was a lady who spoke at that funeral that day who gave her life and her good fortunes and her successes to Mr. Wetherspoon. And she spoke for hundreds of us. He had a compassion and a way of treating people equally and fairly, but he could draw out of each and every person the very best that they had in them. He was kind and gentle yet he was very demanding. She told the story of the day and the class that she said he told her that she had to go home along with two other friends because the things that they were doing and the way they were misbehaving was not conducive of the kind of learning opportunity that people are paying for in this State. You have to remember Mr. Wetherspoon and the school that he taught in had very little. The books were handed down from the white classrooms that we had at the time. The pencils he had to find as best he could, and it was his money and his generosity and his wife and his family and his belief that we could do better with what we had even though it was not fair at times. Never a complaint, never an argument. She gives her

life and her success to Mr. Wetherspoon. But to all the Mr. Wetherspoons in North Carolina before us and that are here today and those that will follow, we have to offer the kind of support that is necessary to allow for a good public education in North Carolina. It cannot be done as you and I know, Walter, simply alone as reducing class size, which is important, and seeing that we have a preschool program like other states do, but it involves the community. It involves each and every one of you making your contribution to lift a child up and see that he has that equal opportunity, he or she, for the successes that can be granted to a society that will allow it to happen if we offer this support. Our jobs won't come unless you have a good education. Unless we have a strong community college or the university to take away from those resources or reduce them in any way is folly. To find where we have difficult situations with mismanagement, or where we have anywhere in government duplication, or where we are not spending the money properly, it is incumbent upon each and every one of us to see that we make those necessary reductions to see that the taxpayers' monies are spent wisely and spent for the reasons for which you judge is necessary. So I'm going to ask you, just as I ask myself, to critique the budget and look at it awfully closely to see that we do spend the money wisely. But where we have and find savings let's invest those back into our educational initiatives to see that those people in this State who are seeking jobs are well prepared to accept those. There are many industries that come to our State. Fortunately we lead the country in the site selection of where businesses accept to come to do work. Now in offering to see that that economy has the strength that's necessary, we have to see that the people are able and well trained to accept those jobs. In the biomanufacturing field which you've been studying and following very closely yourself recently, you have found that many of these companies have told us that we have to do a better job preparing and training our workers. Senator Soles, they have told us that we can succeed with moving these businesses, these manufacturing plants to rural North Carolina. Obviously there are some selected sites and they'll make those choices themselves that will be in the expanded urban areas of North Carolina as they rightfully should be. Their location is chosen because of the universities, because of the infrastructure, because of the climate to do business. But that's not reason not to say that we can't expand these companies and these businesses that want to do business in North Carolina in this country as their choice to come here, that rural North Carolina should not participate in that opportunity. We have been too long in denying the rural sections of North Carolina their rightful place in this economy in North Carolina. Healthcare is denied to too many people and I feel like we all realize that and understand that, but the spiraling costs of just buying, being able to pay for, to provide for their family the kind of necessary healthcare to take care of simple needs that they have. To deny these people is wrong. We have to discover and find out why healthcare is so expensive and so costly and I will appoint a committee to do just that. We will make every rightful review to see why today people are denied the same type of care we take for granted, too many times and too often. Too often. When you speak of 'One North Carolina' and you have it for the opportunities that it affords itself, you should also have 'One North Carolina' when we speak of healthcare. I always concern myself, as you do as well, with taxation and taxes and where they come from and who pays them. My wife is always badgering me about her little business and the restaurant. 'Why did you raise the taxes on alcohol, why did you raise the taxes on something or another?' So I'm very conscious of the effect that it has on the small business, and I'm very conscious just as you are and, as we

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should be, of the effect that it has on the consumer and the person who has very little. It's right that we review the taxation policies and the tax codes of this State to see that they are proper and that they're shared among businesses and the consumer alike, and see that we offer advantages to the business community so they'll come to North Carolina and settle here to do business and employ people, because without employers we have no employees, and we have a failed system if people aren't working and aren't paid enough to provide shelter, healthcare, and transportation and to be able to provide for their family and to grow in their community. So I think it's incumbent that we make those reviews that are necessary to see that we have the revenue that is appropriate for a growing State such as ours. I care about the environment just as you do. Senator Metcalf and Senator Queen, you have one of the most beautiful places on this earth of ours. Being with you to travel through the mountains to see their glory and their beauty in the different seasons comes a great appreciation from me, but also understanding that there are polluting elements that are affecting the beauty of the mountains and where I live, the coast. When I pick up the paper to read that Raleigh discharges 128 thousand gallons, or 2.2 million gallons of untreated waste, for Senator Kerr if it's Kinston, for Senator Basnight if it's Manteo, it is wrong that we treat the waters and the streams and the lakes such as we do and so quickly turn our backs on what God gave us in this land of ours. I will continue to argue on your behalf and with you that we seek solutions that will guarantee for our future generations a better and cleaner environment than the track that we're presently on. I stand ready and I welcome the Republican minority to work together, Senator Ballantine, to work as one unit of people on behalf of all of us. To do it in a way and fashion that at the end of this session the successes will be often and great. I thank you very, very much for entrusting in me this position of leadership on behalf of you and the people of this State. Thank you."

RECONSIDERATION

Senator Soles offers a motion, seconded by Senator Rand, that the vote by which Senator Basnight was elected President *Pro Tempore* of the Senate be reconsidered and further moves that the motion to reconsider do lie upon the table, which motion prevails (48-2).

ADOPTION OF RULES

Senator Rand submits **S.R. 1**, A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR THE REGULAR SESSIONS OF THE 2003 GENERAL ASSEMBLY, for adoption. Upon motion of Senator Rand, S.R. 1 is placed before the Senate for immediate consideration. Senator Rand explains the following Rules which are revised from the 2001 Senate Rules:

- Rule 10(c): Comma inserted after "When a Senator is called to order" and before "that Senator shall . . ."
- Rule 17(i): Clarifying language added regarding the prohibition of the use of wireless communication devices, pagers, or laptop or notebook computers by Senators on the floor while the Senate is in session.
- Rule 24(b): "his" replaced with "the Chair's"
- Rule 28(a)(3): Second line rewritten to read: "Upon a majority vote of the Senators present and voting, the motion shall be adopted."

- Rule 31: Permits the Senate to “alter the name, number, and composition of the standing committee” by a majority vote, as opposed to making “a change in the number of standing committees”
- Rule 32: “Redistricting” removed from the list of standing committees
- Rule 39: Comma inserted after “Whenever a bill is filed” and before “25 copies . . .”
- Rule 40: Comma inserted after “. . . the Office of the Senate Principal Clerk” and before “who shall receive . . .”
- Rule 40.1: New deadlines for introduction of bills and resolutions as follows:
- (a) Local bills and resolutions:
 - bill requests made by Wednesday, March 12
 - bills filed by Wednesday, March 19
 - (b) Public bills and resolutions:
 - bill requests made by Wednesday, March 26
 - bills filed by Wednesday, April 2
- Rule 41: New crossover bill deadline of Thursday, April 24, 2003
- Rule 42.2: Requirement added that a sponsor of a bill or a committee amendment proposing any change in law relative to any retirement or pension system or any hospital, medical or disability program funded in whole or in part by State funds must have an actuarial note not only from Fiscal Research, but also from the chief administrative officer of the system affected by the measure. Permits a Chair of the Appropriations/Base Budget Committee, the Finance Committee, the Rules and Operations of the Senate Committee, or of the Ways and Means Committee to request an actuarial note on the floor.
- Rule 56: “his” replaced with “the Chair’s”
- Rule 57: Clarifying language added regarding appointment of conference committee and subject matter when the Senate fails to concur in amendments or committee substitutes put by the House to a bill originating in the Senate
- Rule 74: Changes language from “in the discretion of the chair, “ to “at the discretion of the chair”

Senator Horton offers Amendment No.1.

Senator Rand offers Amendment No. 2 as a substitute Amendment for Amendment No. 1. Amendment No. 2 is Adopted (42-6).

Senator Berger offers Amendment No. 3, which fails of adoption (21-29).

Upon motion of Senator Rand, Senate Resolution 1, as amended, is adopted (42-8) and ordered engrossed.

The text of the Resolution is as follows:

Be it resolved by the Senate:

SECTION 1. The permanent rules for the Regular Sessions of the Senate shall be as follows:

**PERMANENT RULES OF
THE REGULAR SESSIONS OF THE SENATE
2003 GENERAL ASSEMBLY OF NORTH CAROLINA**

January 29, 2003

- I. Order of Business, Rules 1-7
- II. Conduct of Debate, Rules 8-17
- III. Motions, Rules 18-24
- IV. Voting, Rules 25-30
- V. Committees, Rules 31-37
- VI. Handling Bills, Rules 38-59.2
- VII. Legislative Officers and Employees, Rules 60-65
- VIII. General Rules, Rules 66-77.

I. ORDER OF BUSINESS

RULE 1. **Rules controlling the Senate of North Carolina and its committees.**

- The following rules shall govern and control all actions and procedures of the Senate and its committees.

RULE 2. Convening hour. - The Presiding Officer shall take the Chair at the hour fixed by the Senate upon adjournment on the preceding legislative day and shall call the members to order. In case the Senate adjourned on the preceding legislative day without having fixed the hour of reconvening, the Senate shall reconvene on the next legislative day at 2:00 P.M., except that if the next legislative day is Monday, time for convening shall be 7:00 P.M.

RULE 3. Opening the session. - The Presiding Officer shall, upon order being obtained, have the sessions of the Senate opened with prayer.

RULE 4. Convening and presiding in absence of President. - In the absence of the President, the President Pro Tempore shall convene or reconvene the Senate and preside, and during such time shall be vested with all powers of the President except that of casting a vote in case of a tie when the President Pro Tempore has already voted on the question as a Senator. In the event of the absence of the President and President Pro Tempore at any time fixed for the reconvening of the Senate, the Deputy President Pro Tempore of the Senate, the Principal Clerk of the Senate, or in their absence also, the Chair of the Senate Committee on Rules and Operations of the Senate, shall call the Senate to order and designate some member to act as Presiding Officer.

RULE 5. Quorum. - (a) A quorum consists of a majority of all the qualified members of the Senate.

(b) When a lesser number than a quorum convenes, the Senators present may send the Sergeant-at-Arms or any person, for any or all absent Senators, as a majority of the Senators present determines.

RULE 6. Approval of Journal. - After the prayer, and upon appearance of a quorum, the Presiding Officer shall cause the Journal of the preceding day to be read and approved, unless the President Pro Tempore or, in the President Pro Tempore's absence, the Deputy President Pro Tempore of the Senate or some member of the Senate by motion sustained by a majority of the members present, has the reading thereof dispensed with and the same approved as written.

RULE 7. Order of business. - After approval of the Journal, the order of business shall be as follows:

- (1) Reports of standing committees.
- (2) Reports of select committees.
- (3) Introduction of bills, petitions, and resolutions.
- (4) Messages from the House of Representatives.
- (5) Veto messages from the Governor.
- (6) Unfinished business of preceding day.

- (7) Special orders.
- (8) General orders:
 - a. Local bills in numerical order, Senate bills first:
 - 1. Third reading roll call and electronic voting system votes.
 - 2. Second reading roll call and electronic voting system votes.
 - 3. Second reading viva voce.
 - 4. Third reading viva voce.
 - b. Public bills in numerical order, Senate bills first:
 - 1. Third reading roll call and electronic voting system votes.
 - 2. Second reading roll call and electronic voting system votes.
 - 3. Second reading viva voce.
 - 4. Third reading viva voce.

II. CONDUCT OF DEBATE

RULE 8. Presiding Officer to maintain order. - The Presiding Officer shall have general direction of the Hall of the Senate and shall be authorized to take such action as is necessary to maintain order, and in case of any disturbance or disorderly conduct in the galleries or lobbies, the Presiding Officer shall have the power to order those areas cleared.

RULE 9. (Reserved for future use).

RULE 10. Points of order. - (a) The Presiding Officer shall preserve order and decorum and proceed with the business of the Senate according to the rules adopted. The Presiding Officer shall decide all questions of order, subject to an appeal to the Senate by any member, on which appeal no member shall speak more than once unless by leave of the Senate. A two-thirds vote of the membership of the Senate present and voting is necessary to sustain any appeal from the ruling of the Presiding Officer.

(b) In the event the Senate Rules do not provide for or cover any point of order raised by any Senator, the rules of the United States House of Representatives shall govern.

(c) When a Senator is called to order, that Senator shall take the assigned seat until the Presiding Officer determines whether that Senator was in order or not; if decided to be out of order, that Senator shall not proceed without the permission of the Senate; and every question of order shall be decided by the Presiding Officer, subject to an appeal to the Senate by any Senator; and if a Senator is called to order for words spoken, the words to which an exception is made shall be immediately taken down in writing by the Principal Clerk, so that the Presiding Officer or Senate may be better able to judge the matter.

RULE 11. Debating and voting by Lieutenant Governor. - The Lieutenant Governor, as President of the Senate, being a Constitutional Officer, shall not have the right to debate any question or to address the Senate upon any proposition unless by permission of the majority of members present and shall have the right to vote only when there is a tie vote upon any question or election.

RULE 12. Obtaining recognition. - (a) When any Senator is about to speak in debate or deliver any matter to the Senate, that Senator shall rise and respectfully address the Presiding Officer. No member shall speak further until recognized by the Presiding Officer. The Presiding Officer shall recognize the first to rise and, when two or more members rise at the same time, the Presiding Officer shall name the member to speak.

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(b) A Senator who has the floor may yield the floor to another Senator only for the purpose of allowing another Senator to state a question. Only the Presiding Officer may award the floor to any Senator.

(c) A Senator who has obtained the floor may be interrupted only for the following reasons:

- (1) A request that the member speaking yield for a question;
 - (2) A point of order; or
 - (3) A parliamentary inquiry.
- (d) When a Senator refers to a bill, the bill number and short title must be used.

RULE 13. (Reserved for future use).

RULE 14. Limitations on individual debate. - (a)

No Senator shall speak on the same reading more than twice on the main question, nor longer than 30 minutes for the first speech and 15 minutes for the second speech. No Senator shall speak on the same reading more than once on any motion or appeal, and then no longer than 10 minutes.

(b) By permission of the Presiding Officer, any member of the Senate may address the Senate from the well of the Senate.

RULE 15. Questions of personal privilege. - Upon recognition by the Presiding Officer for that purpose, any Senator may as the last order of the Senate's business that day speak to a question of personal privilege for a time not exceeding three minutes. Personal privilege may not be used to explain a vote, debate a bill, or in any way disrupt the regular business of the Senate. Personal privilege shall not be used to solicit support or sponsors for any bill. The Presiding Officer shall determine if the question raised is one of privilege and shall, without the point of order being raised, enforce this rule.

RULE 16. (Reserved for future use).

RULE 17. General decorum. - (a) Male Senators and male visitors shall uncover their heads upon entering the Senate Chamber while the Senate is in session and shall continue uncovered during their continuance in the Chamber, unless one's religion requires his head to be covered.

(b) No derogatory remark reflecting personally upon any Senator shall be in order upon the floor of the Senate unless preceded by a motion or resolution of censure.

(c) When the Presiding Officer is putting a question, or a division by counting is in progress, no Senator shall walk out of or across the Chamber, nor when a Senator is speaking, pass between that Senator and the Presiding Officer.

(d) When a motion to adjourn or for recess is affirmatively determined, no member or officer shall leave that member or officer's place until adjournment or recess is declared by the Presiding Officer.

(e) Smoking shall not be allowed in the galleries of the Senate.

(f) No remark soliciting the donation of funds for the support of any person or organization shall be in order upon the floor of the Senate, unless the remark has some relevance to a bill or resolution before the body. No article of any kind soliciting business or donations may be placed by any person anywhere in the Senate Chamber or in any Senate office.

(g) Food or beverage shall not be permitted in the Senate Chamber, either on the floor or in the galleries; however, after the Senate has remained in session for a period of one hour, food and beverage shall be allowed upon the floor of the Senate.

(h) Reading of newspapers, magazines, periodicals, or books shall not be acceptable while the Senate is in session. This rule does not prohibit the use of quotations during debate or for personal privilege.

(i) The operation of:

- a. Wireless communication devices,
- b. Pagers, or
- c. Laptop or notebook computers

by Senators on the floor is prohibited while the Senate is in session. The operation by any other person of wireless communication devices which may be disruptive on the floor or in the gallery is prohibited while the Senate is in session.

(j) No member of the Senate shall place any item on another Senator's chamber desk or in another Senator's office unless the item conspicuously displays the name of the Senator placing the item.

III. MOTIONS

RULE 18. Motions generally. - Any motion shall be reduced to writing, if requested by the Presiding Officer or a Senator, and read by the Presiding Officer or Reading Clerk before the same is debated. Any motion may be withdrawn by the introducer at any time before decision or amendment. No motion relating to a bill shall be in order which does not identify the bill by its number and short title. Except as otherwise specifically provided in these rules, no second is required.

RULE 19. Motion; order of precedence. - When a question is before the Senate no motion shall be received except those herein specified, which motions shall have precedence as follows:

- (1) To adjourn.
- (2) To lay on the table.
- (3) For the previous question.
- (4) To postpone indefinitely.
- (5) To postpone to a certain day.
- (6) To commit to a standing committee.
- (7) To commit to a select committee.
- (8) To amend.

RULE 20. Motions requiring a second. - The motions to adjourn, to lay on the table, and to call for the previous question shall be seconded and decided without debate.

RULE 21. Motions to postpone to certain day and to commit. - The respective motions to postpone to a certain day or to commit to a standing or select committee shall preclude debate on the main question.

RULE 22. Motion to substitute. - Subject to Rule 19, a member may offer a motion to substitute to any motion, except the motions for the previous question, to table or to adjourn. No motion to substitute shall be offered to a motion to substitute.

RULE 23. Motion for previous question. - (a) The previous question may be moved upon a pending single motion, any pending amendment or amendments, and/or the pending bill to its passage on that reading or all readings or the pending resolution to its adoption. An authorized Senator moving the previous question shall specify to what the motion applies. Unless specifically limited, the motion shall be deemed to apply to the bill or resolution along with any pending amendments to its passage.

(b) The previous question shall be as follows: "Shall the main question be now put?" and until it is decided shall preclude all amendments and debate. If this question

is decided in the affirmative, the "main question" shall be on the passage of the bill, resolution, or other matter under consideration; but when amendments are pending, the question shall be taken upon such amendments in their inverse order, without further debate or amendment.

(c) Only one of the following Senators may move the previous question:

- (1) The chair of the committee submitting the report on the bill or other matter under consideration;
- (2) The member introducing the bill or other matter under consideration;
- (3) The member in charge of the measure, who shall be designated by the chair of the committee reporting the same to the Senate at the time the bill or other matter under consideration is reported to the Senate or taken up for consideration; or
- (4) The Chair of the Committee on Rules and Operations of the Senate.

RULE 24. Motion to reconsider. - (a) When a question has been once put and decided, any Senator who voted in the majority may move to reconsider the vote thereof. No motion for the reconsideration of any vote shall be in order after the bill, resolution, or other matter upon which the vote was taken has gone out of the possession of the Senate. No motion for reconsideration shall be in order unless made on the same day or in the next following legislative day on which the vote took place. When the next legislative day has by motion of the Senate been restricted as to matters which may be considered, a motion to reconsider shall be in order on the next succeeding day upon which regular business is conducted. No question shall be reconsidered more than once.

(b) Notwithstanding subsection (a) of this rule, a motion to reconsider is in order at any time if made by the Chair or, in the Chair's absence, the Vice-Chair of the Committee on Rules and Operations of the Senate for the sole purpose of correcting grammatical errors in bills in the possession of the Senate.

V. VOTING

RULE 25. Use of electronic voting system. -(a) Votes on the following questions shall be taken on the electronic voting system, and the ayes and noes shall be recorded on the Journal:

- (1) All questions on which the Constitution of North Carolina requires that the ayes and noes be taken and recorded on the Journal;
- (2) All questions on which a call for the ayes and noes under Rule 26(b) has been sustained;
- (3) Second and third readings of bills proposing amendment of the Constitution of North Carolina; and
- (4) The vote on approval of a bill that was vetoed by the Governor.

(b) Votes on the following questions shall be taken on the electronic voting system, and the resulting totals shall be recorded on the Journal:

- (1) Second reading of all public bills, all amendments to public bills offered after second reading, third reading if a public bill was amended after second reading, and all conference reports on public bills.
- (2) Any other question upon direction of the Presiding Officer or upon motion of any Senator supported by one-fifth of the Senators present.

(c) When the electronic voting system is used, the Presiding Officer shall fix and announce the time, not to exceed one minute, which shall be allowed for voting on the question before the Senate. The system shall be set to lock automatically and to

record the vote when that time has expired. Once the system has locked and recorded a vote, the vote shall be printed by the system.

(d) The voting station at each Senator's desk in the Chamber shall be used only by the Senator to whom the station is assigned. Under no circumstances shall any other person vote at a Senator's station. It is a breach of the ethical obligation of a Senator either to request that another vote at the requesting Senator's station or to vote at another Senator's station. The Presiding Officer shall enforce this rule without exception.

(e) When the electronic voting system is used, the Presiding Officer shall state the question and shall then state substantially the following: "All in favor vote 'aye'; all opposed vote 'no'; _____ seconds will be allowed for voting on this question; the Clerk will record the vote." After the machine locks and records the vote, the Presiding Officer shall announce the vote and declare the result.

(f) One copy of the machine printout of the vote record shall be filed in the office of the Principal Clerk, and one copy shall be filed in the Legislative Library where it shall be open to public inspection.

(g) When the Presiding Officer ascertains that the electronic voting system is inoperative before a vote is taken or while a vote is being taken on the electronic system, the Presiding Officer shall announce that fact to the Senate, and any partial electronic system voting record shall be voided. In such a case, if the Constitution of North Carolina or the Rules of the Senate require a call of the ayes and noes, the Clerk shall call the roll of the Senate, and the ayes and noes shall be taken manually and shall be recorded on the Journal. All other votes shall be taken as prescribed in Senate Rule 26. If, after a vote is taken on the electronic system, it is discovered that a malfunction caused an error in the electronic system printout, the Presiding Officer shall direct the Reading Clerk and the Principal Clerk to verify and correct the printout record and so advise the Senate.

(h) For the purpose of identifying motions on which the vote is taken on the electronic system (the identification codes having no relation to the order of precedence of motions), the motions are coded as follows:

- (1) To lay on the table.
- (2) For the previous question.
- (3) To postpone indefinitely.
- (4) To postpone to a day certain.
- (5) To refer to a committee.
- (6) To reconsider.
- (7) To adopt.
- (8) To concur.
- (9) To take from the table.
- (10) Miscellaneous.

RULE 26. Voice votes; call for ayes and noes. - (a) When the electronic voting system is not used, all votes on which a call of the roll of the Senate is not required shall be taken by voice vote. The question shall be put as follows: "Those in favor say 'aye,'" and, after the affirmative vote is expressed, "Opposed 'no'"; after which the Presiding Officer shall announce the result. If a division on any vote is desired, it must be called for immediately before the result of the voting is announced on any question, and, upon such call, the Presiding Officer shall require the members to stand and be counted for and against the proposition under consideration.

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(b) The ayes and the noes may be called for on any question before the vote is taken. If a Senator desires the ayes and noes recorded on the Journal on a question, that Senator shall address the Presiding Officer and obtain recognition and say, "Upon that question I call for the ayes and noes." Whereupon the Presiding Officer shall say, "Is the call sustained?" If one-fifth of the remaining Senators present then stand, the vote shall be taken on the electronic voting system if it is operative, and the ayes and noes shall be recorded on the Journal. If the electronic voting system is inoperative, the roll of the Senate shall be called and the ayes and noes taken manually and recorded on the Journal. If fewer than one-fifth of the Senators present stand to sustain the call, the Presiding Officer shall announce, "An insufficient number up", and a vote by electronic voting or by voice, whichever is appropriate under the Rules of the Senate, shall be taken.

RULE 27. Pair votes. - (a) If a Senator is paired with another Senator on a question, the Senator shall announce the pair as follows: " I desire to announce a pair. If Senator _____ were present, that Senator would vote _____; I would vote _____ (the opposite)." The Senator shall send forward at that time a written statement of the pair on a form provided by the Principal Clerk and neither member of the pair shall vote on the question. A pair shall be announced before the vote is taken viva voce or, if the electronic voting system is used, before the machine is unlocked. The Clerk shall record the pair on the Journal when the Constitution or Rules of the Senate require a call of the roll and shall record on the electronic system printout all pairs announced.

(b) This rule does not apply to committee or subcommittee proceedings.

RULE 28. Dividing question. - (a) If any question contains several distinct propositions, a Senator may move that the question be divided. The motion shall:

- (1) Be in writing,
- (2) Be submitted to the Principal Clerk at the time the motion is made, and
- (3) Clearly state how the question is to be divided.

Upon a majority vote of the Senators present and voting, the motion shall be adopted.

(b) If the motion to divide the question is adopted, then there shall be no further amendment or debate on any of the distinct propositions.

(c) If the question is divided and any part thereof fails, then the bill or resolution and any pending amendments shall be removed from the calendar and rereferred to the committee from which the bill or resolution was reported.

(d) Only one motion to divide the question shall be in order during consideration of a bill or resolution.

RULE 29. Duty to vote; excuses. - (a) Every Senator who is within the Senate Chamber when the question is stated by the Presiding Officer shall vote thereon unless that Senator is excused by the Senate.

(b) A Senator who is a member of a committee shall, upon request, be excused from deliberations and voting on the bill while it is before the committee. The Senator must make the request to the chair of the committee when the bill is first taken up for consideration and before any motion or vote on the bill or any amendment to the bill. The Senator making the request for excuse in committee must renew that request for excuse on the floor of the Senate as set forth in this rule.

(c) Any Senator may move to be excused at any time from voting on any matter. The Senator may make a brief statement of the reasons for the motion which question shall be taken without debate on the motion.

(d) The Senator may send forward to the Principal Clerk, on a form provided by the Clerk, a concise statement of the reason for the motion, and the Clerk shall include this statement in the Journal.

(e) The Senator so excused shall not debate the bill or any amendment to the bill, vote on the bill, offer or vote on any amendment to the bill, or offer or vote on any motion concerning the bill at that reading, any subsequent reading, or any subsequent consideration of the bill.

(f) A Senator may move that the excuse of that Senator from deliberations on a particular bill be withdrawn, which question shall be determined without debate.

(g) A motion to be excused or for the withdrawal of an excuse shall be taken without debate.

(h) A motion by any Senator to change that Senator's vote must be made on the same legislative day as the vote is taken. This subsection may not be suspended.

RULE 30. Explanation of vote. - Any Senator may, as the last order of the Senate's business that day, explain that Senator's vote on any bill that day by obtaining permission of the Presiding Officer after the final vote is taken. No more than three minutes shall be consumed in such explanation.

V. COMMITTEES

RULE 31. Appointment of committees. - The President Pro Tempore of the Senate shall have the exclusive right and authority to appoint the membership of all committees, regular and select, and to appoint committee chairs and vice-chairs and to establish select committees, but this does not exclude the right of the Senate by resolution to establish select committees. Upon the recommendation of the Committee on Rules and Operations of the Senate, the Senate may alter the name, number, and composition of the standing committees by a majority vote of the Senators present and voting.

RULE 32. List of standing/select committees. -

The standing committees shall be:

- Agriculture/Environment/Natural Resources
- Appropriations/Base Budget
 - Appropriations on Department of Transportation
 - Appropriations on Education/Higher Education
 - Appropriations on General Government
 - Appropriations on Health and Human Services
 - Appropriations on Information Technology
 - Appropriations on Justice and Public Safety
 - Appropriations on Natural and Economic Resources
- Children & Human Resources
- Commerce
- Education/Higher Education
- Finance
- Health Care
- Information Technology
- Insurance and Consumer Protection
- Judiciary I
- Judiciary II
- Rural Development
- State and Local Government
- Pensions & Retirement and Aging

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 Transportation
 Ways & Means.

RULE 33. Notice of committee meetings. - (a) Public notice of all committee meetings shall be given in the Senate. The required notice may be waived as to any meeting by the attendance at that meeting of all of the members of the committee or by personal waiver.

(b) The chair of the committee shall notify or cause to be notified the sponsor of each bill which is set for hearing or consideration before the committee as to the date, time, and place of that meeting.

(c) The published calendar shall reflect those committee notices received in the Office of the Principal Clerk prior to 3:30 P.M. or as announced in the daily session.

RULE 34. Membership of committees; quorum. - (a) Membership on standing committees shall consist of not more than 20 nor fewer than five Senators, including the chairs and vice-chairs and ranking minority members; provided that:

(1) The Appropriations/Base Budget and Finance Committee shall not be limited as to membership, and

(2) The Commerce Committee shall consist of 22 members.

The President Pro Tempore shall have the exclusive right and authority to determine the total number of members and the number of members of each political party of each committee. No Senator shall hold membership on more than 12 standing committees unless the Committee on Rules and Operations of the Senate provides otherwise.

A quorum of the Appropriations/Base Budget, Ways and Means, and Finance Committees shall consist of a majority of the committee.

A quorum of any other committee shall consist of either the chair and five members or a majority of the committee, whichever is fewer.

(b) The President Pro Tempore may serve as an ex officio member of each Senate committee and subcommittee.

RULE 35. Roll call vote in committee. - No roll call vote may be taken in any committee. The committee chair may vote in committee.

RULE 36. Standing committee and standing subcommittee meetings. - No committee or subcommittee shall hold a secret meeting. All meetings of committees and subcommittees shall be open to the public, except as provided in G.S. 143-318.14A(e). In no event shall final action be taken by any committee or subcommittee except in open session.

RULE 36.1. Committee minutes to Legislative Library. - The chair of a committee shall ensure that written minutes are compiled for each of the committee's meetings. The minutes shall indicate the number of members present and the actions taken by the committee at the meeting. Not later than 30 days after the adjournment of each session of the General Assembly, the chair shall deliver the minutes to the Legislative Library. The President Pro Tempore of the Senate may grant a reasonable extension of time for filing said minutes upon application of the committee chair.

RULE 37. (Reserved for interim operations rule).

VI. HANDLING BILLS

RULE 38. Application of rules. - All provisions of these rules applying to bills shall apply also to resolutions, memorials, and petitions.

RULE 39. Form and copies of bills. - (a) Unless variation is authorized by the Committee on Rules and Operations of the Senate, bills submitted for introduction

shall be in a computer-typed form prepared by the Legislative Services Office and approved by the Committee on Rules and Operations of the Senate.

(b) Whenever a bill is filed, 25 copies shall be submitted to the Principal Clerk. Any bill submitted without the required number of copies shall be immediately returned to the primary sponsor.

RULE 39.1. Public and local bills; availability of copies of bills. - A public bill is a bill affecting 15 or more counties. A local bill is one affecting fewer than 15 counties. No public bill and, upon objection by a member, no local bill may be considered unless copies of the bill have been made available to the entire membership of the Senate.

RULE 40. Introduction of bills. - (a) Every bill filed for introduction shall contain on the outside cover the title of the document and the name of the Senator or Senators presenting it. Bills shall be delivered by the primary sponsor of the document, or by that member's legislative assistant with the prescribed authorization form signed by the primary sponsor and by that member's legislative assistant to the Office of the Senate Principal Clerk, who shall receive them during regular session according to the following schedule:

Monday until 30 minutes after adjournment; and

Any other day the Senate holds a session until 3:00 P.M.

All bills shall be numbered by the Office of the Principal Clerk when filed and shall be considered introduced when presented to the Senate on the next following legislative day for the first reading.

(b) All memorializing, celebration, commendation, and commemoration resolutions, except those which solely honor the memory of deceased persons or a North Carolina institution, or both, shall be excluded from introduction and consideration in the Senate.

RULE 40.1. Deadlines on filing for introduction of bills and resolutions. - (a) All local bills and resolutions must be filed for introduction not later than Wednesday, March 12, 2003, provided that any such measure submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on that day and filed for introduction in the Senate before 3:00 P.M. on Wednesday, March 19, 2003, shall be treated as if it had been filed for introduction under this rule.

(b) All public bills and resolutions, except those honoring the memory of deceased persons or adjourning the General Assembly, must be filed for introduction not later than March 26, 2003, provided that any such measure submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on that day and filed for introduction in the Senate before 3:00 P.M. on Wednesday, April 2, 2003, shall be treated as if it had been filed for introduction under this rule.

(c) A two-thirds vote of the membership of the Senate present and voting shall be required to file for introduction any bill or resolution after the dates established by this rule.

(d) This rule shall not apply to any appropriations, finance, or local bills filed in reconvened session following the adjournment of the first year of the biennial session.

RULE 41. Crossover bill deadline. - In order to be eligible for consideration by the Senate during the 2003 or 2004 Regular Sessions of the 2003 General Assembly, all House bills other than those required to be referred to the Committee on Finance or the Committee on Appropriations/Base Budget by Rule 42 or adjournment resolutions must be received and read on the floor of the Senate as a message from the House no later than April 24, 2003, provided that a message from the House

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received by the next legislative day stating that a bill has passed its third reading and is being engrossed shall comply with the requirements of this rule and provided that the House accepts Senate bills ordered engrossed on the next legislative day.

RULE 41.1. Relationship between Committee on Ways and Means and other committees dealing with money matters; relationship between these other committees dealing with money matters. - In those instances specified herein, the Committee on Ways and Means shall have responsibility for final consideration of bills dealing with money matters before the bills are considered on the floor of the Senate. Upon the agreement of a chair of any two of the following committees: Appropriations/Base Budget, Finance, and Ways and Means, any bill which is reported favorably from the Committee on Appropriations/Base Budget or the Committee on Finance shall be rereferred by the Presiding Officer to the Committee on Ways and Means for consideration. Bills referred to the Committee on Appropriations/Base Budget pursuant to Rule 43 may be referred by the Chair of the Committee on Appropriations/Base Budget to the Appropriations Committee on the Department of Transportation, the Appropriations Committee on Education, the Appropriations Committee on General Government, the Appropriations Committee on Health and Human Resources, the Appropriations Committee on Information Technology, the Appropriations Committee on Justice and Public Safety, or the Appropriations Committee on Natural and Economic Resources for a report back to the Committee on Appropriations/Base Budget.

RULE 42. Reference of appropriation and finance bills. - (a) All bills introduced in the Senate providing for appropriations from the State, or any subdivision thereof, shall, before being considered by the Senate, be referred to the Committee on Appropriations/Base Budget and bills referred to other committees carrying any such provisions shall be reported to the Senate as being bills to be referred to the Appropriations/Base Budget Committee before proper action may be taken by the Senate.

(b) All bills introduced in the Senate providing for bond issues, imposing or raising fees or other revenues payable to the State, its agencies, its licensing boards, or any of its subdivisions, levying taxes, or in any manner affecting the taxing power of the State or any subdivision thereof, shall, before being considered by the Senate, be referred to the Committee on Finance, and bills referred to other committees carrying any such provisions shall be reported to the Senate as being bills to be referred to the Committee on Finance before proper action may be taken by the Senate.

(c) This rule shall not apply to bills imposing civil penalties, criminal fines, forfeitures, or penalties for infractions.

RULE 42.1. Fiscal notes. - (a) A Chair of the Appropriations/Base Budget Committee, or of the Finance Committee, or of the Rules and Operations of the Senate Committee, or of the Ways and Means Committee, upon the floor of the Senate, may request that a fiscal analysis be made of a bill, resolution, or an amendment to a bill or resolution which is in the possession of the Senate and that a fiscal note be attached to the measure, when in the opinion of that Chair the fiscal effects of that measure are not apparent from the language of the measure. No bill, resolution, or amendment for which a fiscal note has been requested may be considered for passage prior to the fiscal note's being attached to it.

(b) The fiscal note shall be filed and attached to the bill, resolution, or amendment within two legislative days of the request. If it is impossible to prepare a

fiscal note within two legislative days, the Director of Fiscal Research shall, in writing, so advise the Presiding Officer, the Principal Clerk, and the member introducing or proposing the measure and shall indicate the time when the fiscal note will be ready.

(c) The fiscal note shall be prepared by the Fiscal Research Division on a form approved by the Chair of the Rules and Operations of the Senate Committee as to content and form and signed by the staff member or members preparing it. If no estimate in dollars is possible, the fiscal note shall indicate the reasons that no estimate is provided. The fiscal note shall not comment on the merit but may identify technical problems. The Fiscal Research Division shall make the fiscal note available to the membership of the Senate.

(d) A sponsor of a bill, resolution, or amendment may deliver a copy of that member's bill, resolution, or amendment to the Fiscal Research Division for the preparation of a fiscal note. The sponsor shall attach the fiscal note to the bill when the sponsor files the bill or resolution or to the amendment when the sponsor moves its adoption.

(e) The sponsor of a bill, resolution, or amendment to which a fiscal note is attached who objects to the estimates and information provided may reduce to writing the objections. These objections shall be appended to the fiscal note attached to the bill, resolution, or amendment and to the copies of the fiscal note available to the membership.

(f) Subsection (a) of this rule shall not apply to the Current Operations Appropriations Bill or the Capital Improvement Appropriations Bill. This rule shall not apply to a bill, resolution, or amendment requiring an actuarial note under these rules.

RULE 42.2. Actuarial notes. - (a) Every bill or resolution proposing any change in the law relative to any:

- (1) State, municipal, or other retirement system funded in whole or in part out of public funds; or
- (2) Program of hospital, medical, disability, or related benefits provided for teachers and State employees, funded in whole or in part by State funds,

shall have attached to it at the time of its consideration by any committee a brief explanatory statement or note which shall include a reliable estimate of the financial and actuarial effect of the proposed change. The actuarial note shall be attached to the jacket of each proposed bill or resolution which is reported favorably by any committee and shall be clearly designated as an actuarial note. Upon its introduction, a bill or resolution described in subdivision (a)(1) of this rule shall be referred to the Committee on Pensions and Retirement and Aging.

(b) The sponsor of the bill or resolution shall present a copy of the measure, with the sponsor's request for an actuarial note, to the Fiscal Research Division which shall prepare the actuarial note as promptly as possible but not later than two weeks after the request is made. Actuarial notes shall be prepared in the order of receipt of request and shall be transmitted to the sponsor of the measure. The actuarial note of the Fiscal Research Division shall be prepared and signed by an actuary.

(c) The sponsor of the bill or resolution shall also present a copy of the measure to the chief administrative officer of the system affected by the measure. The chief administrative officer shall have an actuarial note prepared by the system's actuary on the measure and shall transmit the note to the sponsor of the measure not later than

two weeks after the request is received. The actuarial note shall be attached to the jacket of the measure.

(d) The note shall be factual and shall, if possible, provide a reliable estimate of both the immediate effect and, if determinable, the long-range fiscal and actuarial effect of the measure. If, after careful investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given. No comment or opinion shall be included in the actuarial note with regard to the merits of the measure for which the note is prepared. Technical and mechanical defects in the measure may be noted.

(e) When any committee reports a measure to which an actuarial note is attached at the time of committee consideration, with any amendment of such nature as would substantially affect the cost to or the revenues of any system, the chair of the committee reporting the measure shall obtain from the Fiscal Research Division and the administrator of the affected system an actuarial note of the fiscal and actuarial effect of the proposed amendment. The actuarial note shall be attached to the jacket of the measure. A Chair of the Appropriations/Base Budget Committee, or of the Finance Committee, or of the Rules and Operations of the Senate Committee, or of the Ways and Means Committee, upon the floor of the Senate, may request that an actuarial note be attached to a bill, resolution, or an amendment which affects the costs to or the revenues of a system described in this rule and which is in the possession of the Senate, when in the opinion of that Chair, the effect to the cost to or the revenues of a system described in this rule are not apparent from the language of the measure. No bill, resolution, or amendment for which an actuarial note has been requested may be considered for passage prior to the actuarial note from both the Fiscal Research Division and the administrator of the affected system being attached to it.

(f) The Fiscal Research Division shall make all relevant actuarial notes available to the membership of the Senate.

RULE 42.3. Assessment reports. - (a) Licensing or Registration Boards. Every legislative proposal introduced in the Senate proposing the establishment of an occupational or professional licensing or registration board or a study for the need to establish such a board shall have attached to the jacket of the original bill at the time of its consideration on second or third readings by the Senate or by any committee of the Senate prior to a favorable report, an assessment report from the Legislative Committee on New Licensing Boards, pursuant to Article 18A of Chapter 120 of the General Statutes. The assessment report shall not constitute any part of the expression of legislative intent proposed by the formation of a licensing board.

Upon receipt of the request, the Legislative Committee on New Licensing Boards shall prepare and return the assessment report as soon as possible but not later than 60 days from the date of receipt of the request, reserving the right to extend this time to 90 days. A supplementary report shall be prepared and submitted to the requesting Senator not later than 30 days after the receipt of the request.

(b) Municipal Incorporations. Every legislative proposal introduced in the Senate, or received in the Senate from the House, proposing the incorporation of a municipality shall have attached to the jacket of the original bill at the time of its consideration on second or third readings by the Senate or by any committee of the Senate prior to a favorable report, a recommendation from the Joint Legislative Commission on Municipal Incorporations, established by Article 20 of Chapter 120 of the General Statutes. The recommendation of the Joint Legislative Commission on

Municipal Incorporations shall be made in accordance with the provisions and criteria set forth in Article 20 of Chapter 120 of the General Statutes and shall include the findings required to be made by G.S. 120-166 through G.S. 120-170.

RULE 42.3A. Proposed increases in incarceration.- (a) Every bill, amendment, and resolution proposing any change in the law that could cause a net increase in the length of time for which persons are incarcerated or the number of persons incarcerated, whether by increasing penalties for violating existing laws, by criminalizing behavior, or by any other means, shall have attached to it at the time of its consideration by the Senate a fiscal note prepared by the Fiscal Research Division. The fiscal note shall be prepared in consultation with the Sentencing Policy and Advisory Commission and shall identify and estimate, for the first five fiscal years the proposed change would be in effect, all costs of the proposed net increase in incarceration, including capital outlay costs if the legislation would require increased cell space. If, after careful investigation, the Fiscal Research Division determines that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given. No comment or opinion shall be included in the fiscal note with regard to the merits of the measure for which the note is prepared. However, technical and mechanical defects may be noted.

(b) The sponsor of each bill, amendment, or resolution to which this subsection applies shall present a copy of the bill, amendment, or resolution with the request for a fiscal note to the Fiscal Research Division. Upon receipt of the request and the copy of the bill, amendment, or resolution, the Fiscal Research Division shall prepare the fiscal note as promptly as possible. The Fiscal Research Division shall prepare the fiscal note and transmit it to the sponsor within two weeks after the request is made, unless the sponsor agrees to an extension of time.

(c) This fiscal note shall be attached to the original of each proposed bill, amendment, or resolution that is reported favorably by any committee, but shall be separate from the bill, amendment, or resolution and shall be clearly designated as a fiscal note. A fiscal note attached to a bill, amendment, or resolution pursuant to this subsection is not a part of the bill, amendment, or resolution and is not an expression of legislative intent proposed by the bill, amendment, or resolution.

(d) If a committee reports favorably a proposed bill or resolution with an amendment that proposes a change in the law that could cause a net increase in the length of time for which persons are incarcerated or the number of persons incarcerated, whether by increasing penalties for violating existing laws, by criminalizing behavior, or by any other means, the chair of the committee shall obtain from the Fiscal Research Division and attach to the amended bill or resolution a fiscal note as provided in this section.

RULE 42.4. Content of appropriations bills. - (a) No provision changing existing law shall be contained in any of the following bills: (i) the Current Operations Appropriations Bill; (ii) the Capital Improvement Appropriations Bill; (iii) any bill generally revising appropriations for the second fiscal year of a biennium.

(b) No amendment to any bill listed in subsection (a) of this rule shall be in order if the language is prohibited by that subsection.

(c) Notwithstanding subsections (a) and (b) of this section, any of the bills listed in subsection (a) of this section or an amendment to such bill may change existing law if the change:

- (1) Alters expenditures or salaries;

- (2) Changes the scope or character of a program which must be reduced, increased, or changed because of an increase or decrease of funds appropriated for the program or because of changes in federal law or regulation; or
- (3) Modifies any function of State government which necessitates a transfer of funds from one department to another;

provided, that for a provision to be in order under this subsection, it must be recommended to the General Assembly in a written report adopted by the Appropriations/Base Budget Committee before or at the same time the bill is reported, or, if such provision is contained in a floor amendment, the sponsor of the amendment must present to the Principal Clerk at or before the time the amendment is offered an explanation of the amendment for distribution to each member of the Senate.

RULE 42.5. Appropriations/Base Budget Committee meetings. - Notwithstanding the provisions of G.S. 143-14, and pursuant to the last sentence thereof, the Appropriations/Base Budget Cochairs may in their exclusive discretion direct that the Appropriations/Base Budget Committee or its subcommittees or both may consider the budget and the budget plan including all appropriations in separate meetings from the House of Representatives and may do all things set forth in said statute separately from the House of Representatives.

RULE 43. First reading; reference to committee. - All bills filed for introduction and all House bills received in the office of the Principal Clerk not later than one and one-half hours preceding the convening of the Senate, upon presentation to the Senate, shall be read in regular order of business by their number and title which shall constitute the first reading of the bill. The Chair of the Committee on Rules and Operations of the Senate or, in the Chair's absence, the Vice-Chair of the Committee shall refer to a Senate committee all bills introduced in the Senate or received from the House of Representatives. Upon the referral being made, the Chair of the Committee on Rules and Operations of the Senate shall notify the Principal Clerk of the Senate of the referral, and the Reading Clerk shall announce the referral of the bill. The Principal Clerk shall inform the Presiding Officer of the referral. The title and referral shall be entered upon the Journal.

Bills may be referred to more than one committee serially, i.e. "S.B. _____ is referred to the Committee on Finance and upon a favorable report referred to the Appropriations/Base Budget Committee."

RULE 44. Bills to receive three readings. - Every bill shall receive three readings before being passed, and the Presiding Officer shall give notice at each reading whether it be the first, second, or third. The Reading Clerk shall announce the referral as set forth in Rule 43. No bill shall be amended upon the floor of the Senate, except under Rule 45.1, until it has been twice read. Senate simple resolutions shall not require three readings.

RULE 45. Reports of committees. - Every Senator presenting a report of a committee shall endorse the report with the name of the committee and, in case of a minority report, with the names of the members making the report. The report of the committee shall show that a quorum of the committee was present and a majority of those present voted in favor of the report. Every report of the committee upon a bill or resolution shall stand upon the general orders with the bill or resolution. No committee shall report a bill or resolution without prejudice.

RULE 45.1. Action on amendment or committee substitute. - If any committee recommends adoption of an amendment or committee substitute of a bill or resolution, the amendment or committee substitute shall be considered adopted upon the reading of the committee report and shall be engrossed. Unless a committee substitute of a bill or resolution being considered by a committee is distributed to members of that committee no later than the day prior to the committee meeting, the committee substitute shall be carried over to the next day unless a majority of the members of that committee present and voting vote to take up the measure at that time. The bill or resolution, as amended, or its adopted committee substitute shall be placed on the calendar for the next legislative day or rereferred if the bill or resolution was serially referred. The committee substitute's original bill or resolution shall lie on the table.

Notwithstanding any other provision of this rule, a committee substitute for a simple resolution shall be placed on the calendar for the next legislative day for a vote on its adoption.

RULE 46. Unfavorable report by committee. - (a) All bills reported unfavorably by the committee to which they were referred, and having no minority report, shall lie upon the table but may be taken from the table and placed upon the calendar by a two-thirds vote of the membership of the Senate present and voting.

(b) When a bill is reported by a committee with an unfavorable report, but accompanied by a minority report, signed by at least three members of the committee who were present and who voted on the bill when the bill was considered in committee, then the minority report shall be placed on the calendar and considered the following day, and the question before the Senate shall be: "The adoption of the minority report." If the minority report is adopted by a majority vote of the membership of the Senate, the bill shall be placed upon the calendar; if the minority report is not adopted, the bill shall lie upon the table.

RULE 47. Recall of bill from committee and discharge petition. - (a) Notwithstanding anything to the contrary, only the President Pro Tempore, the Chair of the Committee on Rules and Operations of the Senate, or the chair of a committee to which a bill or other matter is assigned may, with the consent of a majority of the membership of the Senate present and voting, recall the measure to be referred to another committee or the floor.

(b) A motion to discharge a committee from consideration of a bill or resolution may be filed with the Principal Clerk if accompanied by a petition signed by three-fifths of the members of the Senate asking that the committee be discharged from further consideration of the bill or resolution. No petition may be circulated for signatures until 10 legislative days after the bill has been referred to the committee. No petition may be circulated for signature until notice has been given on the floor of the Senate that the petition is to be circulated. If such a motion accompanied by a valid petition is filed, the Principal Clerk shall place that motion on the calendar for the next legislative day as a special order of business. If the motion is adopted by a majority of the Senate, then the committee to which the bill or resolution has been referred is discharged from further consideration of the bill or resolution, and that bill or resolution is placed on the calendar for the next legislative day as a special order of business. If the committee had, prior to discharge, adopted any amendment or committee substitute for the bill, it shall be in order to offer that amendment or substitute on the floor as if it were a committee amendment or substitute. The Principal Clerk shall provide a form for discharge petitions.

(c) This rule shall not be temporarily suspended.

RULE 48. Calendar; order to be followed. - The Presiding Officer and the Principal Clerk of the Senate shall see that all bills are acted upon by the Senate in the order in which they stand upon the calendar, unless otherwise ordered as hereinafter provided. The published calendar shall include all bills reported favorably from committees, or reported with a minority report attached, or placed on the calendar on motion, and shall include the bill number and short title of each bill on the calendar.

RULE 49. (Reserved).

RULE 50. Third reading requirements. - 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.

RULE 51. Special orders. - Any bill or other matter in consideration before the Senate may be made a special order for a subsequent day or hour by a vote of the majority of the Senators voting, and if action on the bill is not completed on that day, it shall be returned to its place on the calendar, unless it is made a special order for another day; and when a special order is under consideration it shall take precedence over any special order or subsequent order for the day, but such subsequent order may be taken up immediately after the previous special order has been disposed of.

RULE 52. Procedure when necessary number of Senators not present. - If, on taking the question on a bill, it appears that a constitutional quorum is not present, or if the bill requires a vote of a certain proportion of all the Senators to pass it, and it appears that such number is not present, the bill shall be again read and the question taken thereon; if the bill fails a second time for the want of the necessary number being present and voting, the bill shall not be finally lost but shall be returned to the calendar in its proper order.

RULE 53. Effect of defeated measure. - (a) After a bill has been tabled, or has failed to pass on any of its readings, the contents of such bill or the principal provisions of its subject matter shall not be embodied in any other measure. After an amendment has been tabled or defeated on the Senate floor, the contents of such amendment or the principal provisions of its subject matter shall not be embodied in any other measure. If a substitute amendment is adopted on the floor, the contents of the previously pending amendment which are not contained in the substitute shall be considered to have been defeated. Upon the point of order being raised and sustained by the Presiding Officer, such measure shall be laid upon the table and shall not be taken therefrom except by a vote of two-thirds of the membership of the Senate present and voting: Provided, no local bill shall be held by the Presiding Officer as embodying the provisions of, or being identical with, any statewide measure which has been laid upon the table or failed to pass any of its readings.

(b) When a bill has been postponed indefinitely by the Senate, the bill shall lie upon the table and shall not be taken therefrom except by a vote of two-thirds of the membership of the Senate present and voting.

RULE 54. Taking bill from table. - No bill which has been laid upon the table shall be taken therefrom except by a vote of two-thirds of the membership of the Senate present and voting.

RULE 54.1. Bill title. - The title of each bill shall adequately and fairly reflect its subject matter.

RULE 55. Amending titles of bills. - When a bill is materially modified or the scope of its application extended or decreased, or if the county or counties to which it

applies is changed, the title of the bill shall be changed by the Senator introducing the bill or by the committee having it in charge, or by the Principal Clerk, so as to indicate the full purport of the bill as amended and the county or counties to which it applies.

RULE 56. Corrections of typographical errors in bills. - The Enrolling Clerk is authorized to make corrections of typographical errors in the text of bills at any time prior to ratification. Before the correction is made, the Enrolling Clerk shall have the approval of the Chair of the Committee on Rules and Operations of the Senate or, in the Chair's absence, the Vice-Chair of said Committee.

RULE 56.1. Amendments and committee substitutes adopted by the House to bills originating in the Senate. - (a) Whenever the House has adopted an amendment or a committee substitute for a bill originating in the Senate, and has returned the bill to the Senate for concurrence in that amendment or committee substitute, the Senate may not concur in that amendment or committee substitute until the next legislative day following the day on which the Senate receives that measure.

(b) The Chair of the Rules and Operations Committee of the Senate may, or upon motion supported by a majority of the Senate present and voting shall, refer the bill to an appropriate committee for consideration of the amendment or committee substitute.

(c) The Presiding Officer shall, in placing the bill on the calendar, rule whether the amendment or committee substitute is a material amendment under Article II, Section 23, of the State's Constitution. If the measure is referred to committee, the committee shall:

(1) Report the bill with the recommendation either that the Senate do concur or that the Senate do not concur; and

(2) Advise the Presiding Officer as to whether or not the amendment or committee substitute is a material amendment under Article II, Section 23, of the State's Constitution.

(d) If the amendment or committee substitute for a bill is not a material amendment, the question before the Senate shall be concurrence. In the event there is more than one House amendment, the question shall be concurrence in all the House amendments and the question may not be divided, notwithstanding Rule 28. The question which shall be put before the Senate by the Presiding Officer shall be: "Does the Senate concur in the House amendments (committee substitute) to S.B. ___?"

(e) If the amendment or committee substitute for a bill is a material amendment, the receiving of that bill on messages shall constitute first reading and the question before the Senate shall be concurrence on second reading. If the motion is passed, the question then shall be concurrence on third reading on the next legislative day.

(f) No committee substitute adopted by the House to a bill originating in the Senate may be amended by the Senate.

RULE 57. Conference committee. - The President Pro Tempore of the Senate, or in the President Pro Tempore's absence the Deputy President Pro Tempore, upon motion, shall appoint a conference committee when the Senate fails to concur in amendments or committee substitutes put by the House to a bill originating in the Senate, or when the House of Representatives fails to concur in amendments or committee substitutes put by the Senate to a bill originating in the House. Senate conferees shall include the primary sponsor of the bill. In considering the bill committed to the conferees, only such matters as are germane to the bill shall be considered by the conferees, and the conference report shall deal only with such

matters. The matters referred to the conference committee by the conference committee chairs shall go to and be considered by the conferees appointed by the Senate and the House of Representatives. While the bill is in conference committee, the Senate's position shall be determined by a majority of the Senate conferees. Upon agreement by the Senate and House of Representatives, a conference report shall be drafted reflecting the matters considered and agreed upon by the conferees. The conference report shall not be amended.

RULE 57.1. Germaneness of amendment. - All amendments and committee substitutes shall be germane to the subject matter of the bill. The question of germaneness is in order at any time the measure is before the body prior to final action on the measure.

RULE 58. Certification of passage of bills. - The Principal Clerk shall certify the passage of bills by the Senate, with the date thereof, together with the fact whether passed by vote of three-fifths or two-thirds of the membership of the Senate present and voting, whenever such vote may be required by the Constitution or laws of the State.

RULE 59. Transmittal of bills to House. - No bill shall be sent from the Senate on the day of its passage except on the last day of the session, unless otherwise ordered by a vote of two-thirds of the membership of the Senate present and voting.

RULE 59.1. Engrossment. - Bills and resolutions, except those making appropriations, which originate in the Senate and which are amended shall be engrossed before being sent to the House.

RULE 59.2. Vetoed Bills. - (a) The Principal Clerk is designated the Senate Officer to receive bills vetoed by the Governor. The veto message shall be read in the Senate on the next legislative day following its receipt by the Principal Clerk.

(b) Upon a veto message's being read in the Senate, the Chair of the Committee on Rules and Operations of the Senate shall either refer the bill and the Governor's objections and veto message to committee or place the bill on the calendar for a day certain.

VII. LEGISLATIVE OFFICERS AND EMPLOYEES

RULE 60. Pages. - (a) The President Pro Tempore of the Senate shall appoint pages. The President Pro Tempore, or such person as the President Pro Tempore may designate, shall supervise the pages and assign to them their duties. Each page shall be at least 15 years of age or be in the ninth grade at the time of service.

(b) Members may designate honorary pages by a statement delivered to the Principal Clerk who will have a certificate issued therefor.

RULE 61. Sergeants-at-Arms. - (a) There shall be 15 positions of Assistant Sergeants-at-Arms, to be appointed upon the recommendation of the President Pro Tempore by the Sergeant-at-Arms, who are to work under his or her supervision and to be assigned such duties and powers as he or she shall direct.

(b) The Sergeant-at-Arms shall be responsible for the safety of the members and employees of the Senate while in the Senate Chamber or any place in which the Senate or its committees are in session.

(c) The Sergeant-at-Arms shall serve all warrants and subpoenas issued by orders of the Senate and signed by the Presiding Officer of the Senate, and said warrants and subpoenas shall be returnable to the Principal Clerk of the Senate.

RULE 62. Principal Clerk's staff. - The Principal Clerk of the Senate shall employ all necessary employees and clerks required to carry out the duties of that office. The Principal Clerk shall have supervision and control and shall assign such

duties and powers as the Principal Clerk shall direct to the employees and clerks of that office.

RULE 63. Committee assistants and legislative assistants. - (a) Each committee shall have a committee assistant. The committee assistant to a committee shall serve as legislative assistant to the chair of that committee.

(b) Each member shall be assigned a legislative assistant, unless that member has a committee assistant to serve as that member's legislative assistant.

(c) The selection of committee assistants, legislative assistants, and office assistants shall be the prerogative of the individual member. Such committee assistants and legislative assistants shall file initial applications for employment with the Director of Legislative Assistants and shall receive compensation as prescribed by the Legislative Services Commission. The employment period of committee assistants, legislative assistants, and office assistants shall comply with the period as established by the Legislative Services Commission unless employment for an extended period is approved by the President Pro Tempore. The committee assistants, legislative assistants, and office assistants shall adhere to such uniform regulations and other conditions of employment (including retention) under the direction of the Director of Senate Legislative Assistants as the Committee on Rules and Operations of the Senate shall adopt.

(d) The Director of Senate Legislative Assistants and any assistants shall be appointed by the President Pro Tempore of the Senate.

RULE 64. Senate Journal. - The Principal Clerk shall prepare and be responsible for the Journal. The President Pro Tempore or, in the President Pro Tempore's absence, the Deputy President Pro Tempore shall examine the Journal to determine if the proceedings of the previous day have been correctly recorded.

RULE 65. Deputy President Pro Tempore. - The Senate shall elect a Deputy President Pro Tempore. Upon the death, resignation, or removal from office of the President Pro Tempore, the Senate shall elect one of its members to succeed to that office.

VIII. GENERAL RULES

RULE 66. President to sign papers. - All acts, addresses, and resolutions, and all warrants and subpoenas issued by order of the Senate, shall be signed by the President or by the President Pro Tempore or Deputy President Pro Tempore presiding in the President's absence.

RULE 67. Admission to the floor of the Senate. - No person except members of the Senate, members of the House of Representatives, staff of the General Assembly; staff of the Lieutenant Governor; Judges of the Supreme Court, Court of Appeals, and Superior Courts; the Governor and members of the Council of State; former members of the General Assembly; and persons particularly invited and extended the privileges of the floor by the Presiding Officer shall be admitted to the floor of the Senate during its session. Notwithstanding any other provision of these rules, no registered lobbyist shall be admitted to the floor of the Senate or Senate Chamber while the Senate is in session. When the Senate is not in daily session, the President Pro Tempore shall determine the privileges of the floor.

RULE 67A. Restricted admission to the floor of the Senate prior to the daily session. - No person, except members of the Senate, members of the House of Representatives, staff of the General Assembly; the staff of the Lieutenant Governor; Judges of the Supreme Court, Court of Appeals, and Superior Courts; the Governor and members of the Council of State; former members of the General Assembly; and

persons particularly invited and extended the privileges of the floor by a member of the Senate or the Presiding Officer, shall be admitted to or remain on the floor of the Senate within 15 minutes prior to the Senate's scheduled daily session. Notwithstanding any other provision of this rule, no registered lobbyist shall be admitted to or remain on the floor of the Senate within 15 minutes prior to the Senate's scheduled daily session.

RULE 67.1. Recognition for extending courtesies. - (a) Courtesies of the floor and galleries shall be extended only by the Presiding Officer on the Presiding Officer's own motion or upon the written request of a member of the Senate to former members of the General Assembly or to distinguished visitors.

(b) The Presiding Officer, upon written request at intervals between various orders of business, may extend courtesies to schools or other special large groups visiting in the galleries while they are present, and the Presiding Officer shall, at such times as deemed appropriate, express to those visitors in the galleries the pleasure of the Senate for their presence.

RULE 68. Privileges of the floor. - Any group or individual other than members of the Senate who desires to make remarks upon the floor of the Senate will first obtain approval of the President Pro Tempore or, in the President Pro Tempore's absence, the Deputy President Pro Tempore of the Senate.

RULE 69. News media. - The President Pro Tempore is authorized to assign area and equipment on the floor of the Senate for the use of the representatives of news media, and the President Pro Tempore shall provide regulations for the operation of the representatives of the news media on the floor of the Senate.

RULE 70. Absence without leave. - No Senator or officer of the Senate shall depart the service of the Senate without leave or receive pay as a Senator or officer for the time absent without leave.

RULE 71. Placing material on Senators' desks or in Senators' offices. - Any person other than a member of the Senate or an employee of the General Assembly desiring to place articles of any kind on or about desks in the Senate Chamber or in the offices of the members of the Senate shall make written application to and obtain written approval from the Principal Clerk.

RULE 72. Assignment of seats; offices. - (a) The President Pro Tempore of the Senate shall assign seats in the Senate Chamber to the members elected. The President Pro Tempore, when assigning seats, shall give preferential consideration to the respective members according to the length of service which each member has rendered in the Senate. No incumbent appointed to fill an unexpired term in the immediate preceding session shall retain the seat if requested by a Senator elected to said session.

(b) Not later than two weeks after the initial committee assignments become final, the President Pro Tempore of the Senate is authorized to make assignments of committee rooms and offices to designated committees, chairs, and members of the Senate. In making such assignments of individual offices, the President Pro Tempore may give preferential consideration to the respective members according to the length of service which each member has rendered in the Senate.

RULE 73. Administrative rules and regulations involving Senate employees. - All administrative rules, regulations, and orders involving all individuals employed to perform duties for the Senate, other than those appointed by the Principal Clerk and the Sergeant-at-Arms, shall be first approved by the Committee on Rules and Operations of the Senate.

RULE 74. Public hearings. - Any Senator may request in writing a public hearing by the committee considering the bill on a public bill. Requests may be granted at the discretion of the chair. Notice shall be given not less than five calendar days prior to public hearings. Such notices shall be issued as information for the press, and the information shall be posted in the places designated by the Principal Clerk.

RULE 75. Public hearings, filing of written statements. - Persons desiring to appear and be heard at a public hearing are encouraged to file with the chair of the committee a brief or a written statement of the remarks to be made at least 24 hours before the time of the hearing.

RULE 76. Voting in joint sessions. - When the Senate sits jointly with the House, either in committee or in joint session, the Senate reserves the right to vote separately.

RULE 77. Alterations, suspension, or rescission of rules. - (a) These rules may not be permanently rescinded or altered except by Senate simple resolution passed by a two-thirds vote of the membership of the Senate. The introducer of the resolution must, on the floor of the Senate, give notice of the intent to introduce the resolution on the legislative day preceding its introduction.

(b) Except as otherwise provided herein, the Senate, upon two-thirds vote of the membership of the Senate present and voting, may temporarily suspend any of these rules.

SECTION 2. This resolution is effective upon adoption.

ELECTION OF OFFICER ESTABLISHED BY THE SENATE RULES

Pursuant to Senate Rule 65, the President declares the floor open to receive nominations for Deputy President *Pro Tempore* and recognizes Senator Rand who offers the following nomination and remarks:

“Thank you very much Madame President. Ladies and gentlemen of the Senate, it is my happy duty today to place a nomination in the name of Charlie Smith Dannelly of Charlotte-Mecklenburg for the position of Deputy President *Pro Tempore* of the North Carolina Senate. While it causes me some concern to tell you this, Senator Dannelly was born in South Carolina, but he got on up here as quick as he could. He was educated at Johnson C. Smith University; received his Masters Degree from the University of North Carolina at Charlotte, and has devoted virtually his entire life to educating and improving the minds of our young people. He has had a varied career, something I find very interesting to me, representing parts of Cumberland County. Senator Dannelly served in the United States Army in the 82nd Airborne Division, as a commissioned officer, and served you in the Korean conflict. He has been active in virtually every facet of his community. He has served twelve years on the Charlotte City Council, he has been active in his church, he has been active in his fraternity, he is beginning his fifth term in the North Carolina Senate. His life experiences have prepared him for the role in which he finds himself today. He is a person of great dignity, vast knowledge and understanding of the issues that face us all. His respect for his fellowman and his love for this Body and its traditions are well known to all of us. He brings a quiet charm and a calming influence to any matters that come before us and is always an addition to any meeting he attends and so it gives me great pleasure to place in nomination Charlie Smith Dannelly of Mecklenburg County for the position of Deputy President *Pro Tempore* of the North Carolina Senate.”

January 29, 2003

The Chair recognizes Senator Hoyle who seconds the nomination and adds the following remarks:

“Thank you Madame President and members of the Senate. It is with great pride that I stand to second the nomination of Charlie Smith Dannelly for Deputy President *Pro Tempore* of the North Carolina Senate. Several things come to mind when I see Charlie, and I see he’s left the Chamber, but the first thing that comes to mind is that Charlie Dannelly looks like a Senator. You know, just look at the man, he looks like he just came out of Esquire Magazine or Bandbox, he’s always very dapper and we affectionately refer to him as ‘Dapper Dan.’ If I were a Hollywood producer or a casting director looking for someone to play that role in a movie, Charlie would be my first, second, and third picks every time. But the second thing that comes to mind when I look at Charlie Dannelly and think about Charlie Dannelly is that Charlie Dannelly is a gentlemen and a gentle man. I have never heard him say one unkind word about anyone, and there’s been some times he could have said some pretty nasty things to me had he wanted to in some of our debates and discussions that we’ve had, but he has never done that, he doesn’t do that, he doesn’t operate that way. Charlie is very deliberate in his debate, he is very deliberate when he speaks to the caucus, when he speaks to this body. Charlie told me one time, he said, ‘David, I want to make sure that my brain is in gear before I engage my mouth.’ and I think that’s something to rule that we could certainly all maybe live by at times. Senator Rand said that Senator Dannelly had a very distinguished military career, lieutenant in the Korean conflict, served in the 82nd Airborne, and was a paratrooper. That’s something you volunteer for. You can’t be drafted or made to be a paratrooper and I don’t know why a man would volunteer to jump out of an airplane that had two or four good engines on it, for any reason. I just can’t understand it. I always had the theories of terra firma. The more firma, the less terra. But obviously it didn’t bother Charlie very much. He received, I think, five distinguished service medals, one being the Bronze Star. Charlie returned to Charlotte after his service and attended Johnson C. Smith University, had a Master’s degree from Chapel Hill, we won’t hold that against him. And he began a teaching career in Charlotte, taught for a couple of years, became assistant principal for a few years and then I think served twenty-five years as a principal in the largest school system in North Carolina. Charlie is a very distinguished member of this Body. Senator Rand said he served on the City Council with great distinction. I know that he will serve in the capacity of Deputy President *Pro Tempore* of the North Carolina State Senate with great distinction as well and I hope that you will join me in voting for Charlie Dannelly for this very important position. Thank you very much.”

The motion offered by Senator Rand that the nominations be closed and that Senator Dannelly be elected Deputy President *Pro Tempore* by acclamation prevails.

The President declares Senator Dannelly duly elected Deputy President *Pro Tempore* and appoints Senator Clodfelter, Senator Rand, Senator Hoyle, and Senator Garrou, Senator Weinstein, Senator Shaw, and Senator Lucas to escort the Deputy President *Pro Tempore* -elect to the Well of the Senate. Senator Clodfelter presents Senator Dannelly to the President. The President directs the Sergeant-at-Arms to escort Mrs. Rose Dannelly to the Well of the Senate where she joins Senator Dannelly as he receives the prescribed Oath of Office. The Honorable G. K.

Butterfield, Jr. Judge of the North Carolina Court of Appeals, General Court of Justice, administers the prescribed Oath of Office.

The President recognizes Senator Dannelly, Deputy President *Pro Tempore*, who offers the following remarks:

“Thank you Madame President. Ladies and gentlemen, my colleagues in the Senate, I want to thank Senator Rand for nominating me. I’d like to thank Senator Hoyle for seconding my nomination and I’d like to thank Judge G. K. Butterfield for the installation to this office. I want to thank my constituents, many of whom, thousands of whom, are not here and I’d like to thank you, Senators, for the vote of confidence you’ve given me. I’d like to thank my family members who are not here, my siblings and one son, and the many friends that are not here and the many friends who are here, who are always here, who have been here for the past four terms that I’ve served, Barbara Waymer and Jeanne Brayboy. I’d like to thank my best friend, someone who’s always at my back and, at need be, at my front to lead the way, and the wind beneath my wings, my lovely wife, Rose. And I’d like to thank God for making all, all of this possible. I thank you.

“I could stand here today and pontificate on most all the issues that we will deal with this session. Some of them are children, education, senior citizens, the mentally and physically disabled, healthcare, affordable prescriptions, the poor, the homeless, housing, economic development, the environment, our good and bad highways, the moratorium on death penalties, and the budget, and many, many other issues. But I won’t talk about issues because most of what I would say you, my colleagues and friends and constituents, have more than likely thought or have said the same things to others. So I will substitute a portion of an oration by Ralph Waldo Emerson entitled ‘The American Scholar’, delivered to the Phi Beta Kappa Society in Cambridge on August 31, 1837. I will use poetic license and substitute Senator for Scholar and I will call it the ‘American Senator.’ I will also use pronouns to make this excerpt appropriate for this occasion.

The American Senator

“The first in time and the first of importance of all the influence upon the human mind is that of nature. Everyday, the sun - and after sunset comes the night and her stars. Ever the wind blows, ever the grass grows, everyday men and women conversing, beholding and beholden. The Senator - is he or she among all people whom this spectacle most engages? He or she must settle their values in their own minds and then do, to the best of their ability by the will of the Almighty, what is best for the divine sovereignty of the people whom they have been duly elected to serve and represent.

“Ladies and gentlemen and colleagues, this is why we are here today. Thank you and God bless.”

The President of the Senate extends privileges of the floor to Dr. Richard F. Burch from Durham, North Carolina who is serving the Senate as Doctor of the Day.

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The President extends privileges of the floor to former Senator Howard Lee, from Orange County; former Senator C. R. Edwards, from Cumberland County; Mr. Cam McRay from the Board of Transportation; and Ms. Lafayette Gatling, guest of Senator Holloman from Chicago, Illinois.

ELECTION OF STATUTORY OFFICERS

Pursuant to G.S 120.37, the President declares the floor open to receive nominations for the Office of Principal Clerk.

The President recognizes Senator Reeves who offers the following nomination and remarks:

“Members of the Senate, I rise to place in nomination Janet Pruitt for Senate Principal Clerk. Janet has ably served the Chamber over the last six years. During this time she has recruited a wonderful staff, has updated the technology in the Senate, although looking at our broken door back here you wouldn’t know it. She has flawlessly managed all the thousands of bills and amendments that we file each year and at all times she and her staff work to make us look really good, to the extent that they can. To the new Senators this may be very important because invariably you will make a mistake and Janet will be probably about the first one to know that you did and she will come to you to help you fix it. Unfortunately, I know this from personal experiences. During my first session I introduced the same bill twice, which since we do have rules, is a violation of the rules and Janet helped me figure out how to fix it. I’ve always appreciated her professionalism and discretion in doing her job. So members of the Senate, it is my honor to nominate Janet Pruitt for the North Carolina State Senate Principal Clerk.”

The President recognizes Senator Garrou who seconds the nomination and offers the following remarks:

“Ladies and gentlemen of the Senate and guests, I stand to second the nomination of Janet Pruitt for the position of Principal Clerk. As Eric has said, no one can deny that she has a difficult job, a lot of tedious, complicated tasks and everything must be perfect. Remember, she performs and coordinates the Journal which is the record of the activities that take place in the Senate. But as Eric has said, I think perhaps one of her most difficult tasks is dealing with all of us. I recently read a definition of tactfulness and I think Janet epitomizes this definition. It said that 'Tactfulness is the art of rubbing out another’s mistake instead of rubbing it in.' Janet, we appreciate you and your staff and all that you do for us. So Madame President, it is a privilege to second the nomination of Janet B. Pruitt for Principal Clerk for the North Carolina Senate and I also move that the nominations be closed and that we accept this nomination by acclamation. Thank you very much.”

The motion by Senator Garrou that the nominations be closed and that Janet B. Pruitt be elected Principal Clerk of the 2003 Senate by acclamation prevails. The President declares Janet B. Pruitt duly elected and appoints Senator Dalton, Senator Garwood, and Senator Purcell to escort the Principal Clerk-elect, Janet B. Pruitt, to the Well of the Senate. Senator Dalton is recognized and presents the Principal

Clerk-Elect, Janet Pruitt. The Honorable Elaine Marshall, Secretary of State of North Carolina, administers the prescribed Oath of Office and the President directs the Principal Clerk to assume her seat.

The President declares the floor open to receive nominations for the Office of Reading Clerk. The President recognizes Senator Gulley who offers the following nomination and remarks:

“Ladies and gentlemen of the Senate, I rise to place in nomination the name of Ted Harrison. Ted is a native of Salisbury, North Carolina. He went to schools in Rowan and Rockingham Counties, public schools there and received his Bachelors of Arts from an extension facility from Duke University that’s about thirteen miles down the road at Chapel Hill. He was a graduate with his Bachelors of Arts from the wonderful University of North Carolina at Chapel Hill. He has a daughter, Elizabeth, who lives in New Bern, a son, Lee, who lives here in Raleigh. He and his wife, the former Betsy Warren, have two daughters, Molly who is a sophomore at UNC-G, and Callie, a junior at Enloe High here in Raleigh. Up until today, Ted has been retired for several years. I’m curious why he would want to make that move. I was thinking of going the other way. But today, we hope, will change that. He and his family live in Cary. Some of you will remember him from his work with UNC Television, public television here, where he was active working with them in the 1980’s and the 1990’s, particularly for his work producing coverage of the General Assembly. I am honored and pleased to put his name in nomination today and urge your support for Ted Harrison for the position of Reading Clerk of the North Carolina Senate. Thank you.”

The President recognizes Senator Albertson who seconds the nomination and offers the following remarks:

“Thank you Madame President and members of the Senate. It is my honor and privilege to second the nomination of Ted Harrison for Reading Clerk of this North Carolina Senate. Just two or three things about Ted I think you will find of interest. Ted’s wife, the former Betsy Warren, is the daughter of the late Joseph Warren from Caswell County. Joseph served in the North Carolina Senate as well as the North Carolina House and also later became a member of the Sergeant-at-Arms Staff. I don’t know if Senator Soles was here when he was here or not, but he may have been. Now this does not add anything to Ted’s credentials, but it does point out the fact that he is in a family that is part of the heritage of the General Assembly. Ted came and covered this Body as a reporter for WFMY-TV in 1969. I got to know him when I came to the House as a member of that Body in 1989 and I’ve found him to be one of the most kind and gracious persons I think that I have ever met. Not only is he a wonderful person, he wears a mighty fine beard. It is my honor to second the nomination and I move that the nominations be closed and he be accepted by acclamation.”

The motion offered by Senator Albertson that the nominations be closed and that Mr. Ted Harrison be elected Reading Clerk of the 2003 Senate by acclamation prevails. The President declares Mr. Ted Harrison duly elected and appoints Senator Kerr, Senator Metcalf, and Senator Reeves to escort the Reading Clerk-elect to the

January 29, 2003

Well of the Senate. Senator Kerr is recognized and presents the Reading Clerk-Elect, Mr. Ted Harrison. The Honorable Dennis J. Winner administers the prescribed Oath of Office and the President directs the Reading Clerk to assume his seat.

The President declares the floor open to receive nominations for the Office of Sergeant-at-Arms. The President recognizes Senator Rand who offers the following nomination and remarks:

“It is my real pleasure to place a nomination in the name of Cecil Goins for the position of Sergeant-At-Arms. I was trying to think how long Cecil and I have been friends and I really can’t remember because I have known him practically the entire time I’ve practiced law in the Eastern District of North Carolina. It’s been some few years now. I got to know Cecil when he served in the United States Marshall Service and, as such, was conducting an investigation transporting prisoners doing courtroom work throughout the eastern part of our State and I was always impressed with the dignity and the way he treated people. He was always fair, always firm, and always really projected the image of one who was there to uphold justice in the very best possible sense. He is a native of Moore County, a graduate of North Carolina A&T State University, served as a commissioned officer in the United States Army with the First Infantry Division in Germany, and is now retired from the United States Marshall Service. He has been our Sergeant-At-Arms here for a number of terms and I think the people who come into contact with him are impressed with the way that he manages our business, that he takes care of the Senate and makes sure things are done as they should be. He has a wide experience in providing security and making sure that the way things are done are the way things are supposed to be done. He adds a great deal, I think, to the operation of the Senate and to its traditions and to the way in which we deal one with the other. So it is my pleasure today to place a nomination in the name of Cecil Goins of Wake County for the position of Sergeant-At-Arms for the 2003 Session of the General Assembly.”

The President recognizes Senator Dannelly who seconds the nomination and offers the following remarks:

“Thank you Madame President. It is a distinct pleasure for me to second the nomination of Cecil Goins for our Sergeant-At-Arms. You’ve heard his qualifications but in addition to all that, Cecil is always on the alert. Cecil is very observant of everything going on in this Chamber or wherever our meetings are taking place. Cecil is effective and he is always available. He is a gentleman and always treats you with politeness. It is a privilege for me to second his nomination and I move that the nominations close on said name and that he be elected unanimously.”

The motion by Senator Dannelly that the nominations be closed and that Mr. Cecil Goins be elected Sergeant-at-Arms of the 2003 Senate by acclamation prevails. The President declares Mr. Cecil Goins duly elected and appoints Senator Forrester, Senator Malone, and Senator Soles to escort the Sergeant-at-Arms-elect, Mr. Cecil Goins to the Well of the Senate. Senator Soles is recognized and presents the Sergeant-at-Arms-Elect, Cecil Goins. The Honorable James A. Wynn, Jr. administers the prescribed Oath of Office and the President directs the Sergeant-at-Arms to assume his seat.

RECOGNITION OF PARTY OFFICERS

The President directs the Reading Clerk to read as follows:

North Carolina General Assembly

Senate Chamber
State Legislative Building
Raleigh 27601-1096

December 16, 2003

The Honorable Beverly E. Perdue
President of the Senate
Room 2104 Legislative Building
Raleigh, North Carolina 27601-2808

Dear President Perdue:

This is to advise you that the Senate Democratic Caucus met on December 9, 2002, with twenty-eight members present and nominated the following officers for the 2003 Session of the General Assembly:

President *Pro Tempore* - Senator Marc Basnight
Deputy President *Pro Tempore* - Senator Charlie S. Dannelly
Permanent Chairman - Senator R. C. Soles, Jr.
Majority Leader - Senator Tony Rand
Majority Whip - Senator Jeanne H. Lucas
Caucus Secretary - Senator Charles W. Albertson
Principal Clerk - Ms. Janet Pruitt
Sergeant-at-Arms - Mr. Cecil Goins

Sincerely,
S/Charles W. Albertson
Secretary - Democratic Caucus

cc: The Honorable Marc Basnight
Ms. Janet Pruitt

North Carolina General Assembly

Senate Chamber
State Legislative Building
Raleigh 27601-1096

January 16, 2003

The Honorable Beverly E. Perdue
President
North Carolina Senate
Senate Chamber
Raleigh, NC 27601-2808

January 29, 2003

Madam President:

Republican Senators met in Caucus Sunday, November 17, and elected officers to the 2003 Session of the General Assembly. The following officers were elected at that meeting.

Republican Leader - Patrick J. Ballantine
Deputy Republican Leader - James S. Forrester
Republican Whip - Fern Shubert
Deputy Republican Whip - Tom Apodaca

Respectfully,
S/Patrick J. Ballantine
Senate Minority Leader

REMARKS BY THE LIEUTENANT GOVERNOR

The President of the Senate, The Honorable Beverly E. Perdue, offers the following remarks:

“I really am proud to be here with you today and welcome all of you, it’s such an important job, to this 145th opening of the North Carolina General Assembly, and what an opening it has been. Before I begin, let me pause for a few seconds and ask you to join me out of respect for the thousands of brave men and women who have already left or are leaving North Carolina today as we speak to serve our Nation overseas. I would ask that North Carolina embrace these soldiers, their families, and their communities. If we could take just a moment in our own hearts to honor more than 20,000 North Carolina military soldiers who are already deployed and the roughly 1,100 members of our regular North Carolina National Guard who are, at this very moment, on active duty. To them we all say come home safely and Godspeed, Godspeed.

“I want to personally welcome the sixteen new Senators and I look forward to getting to know you. To my good friend, Marc Basnight and his family, congratulations. Senator Ballantine, congratulations. I saw your young daughter back there and she has grown up already. Soon she’ll be dating and you won’t even be here on Thursday afternoon. My comments are brief and to the point and I hope that sets the tone for the session. I hope that y’all took that to heart – brief and to the point.

“North Carolina is at a crossroads, you know it as well as I, as we begin this session. I read recently that Senator Basnight says there’s about a \$1.3 billion deficit. Some others are saying it’s two billion. It’s a lot of money, isn’t it? It’s more than I can dream of. You’ve got the highest unemployment rate, 6.4 percent, in North Carolina since the Depression. You have ‘Leave No Child Behind’, I won’t tell you what I call it privately, the federal education legislation that places a huge burden with no money on our school systems’ budgets, teachers, and administrators; the need to reform our tax structure, Senator Basnight spoke of it, from one that’s based on 20th Century manufacturing to a system that works for our service economy of the 21st Century; and the need to feel safe and secure at home and abroad, something we didn’t talk about two years ago. This is North Carolina’s fourth consecutive year of

tough budget decisions, four straight years of prioritizing policies and programs for the people of this State. You have to debate the merits of cutting and spending and raising revenues. Four straight years of having to work together, to find consensus in order to move this State forward on issues that are important to all of our constituents. They are the people of North Carolina who may never know your name and never know that you served here, but they are dependent on you. They are dependent on you while tough, really tough decisions await you this session. I urge you as the leaders of North Carolina to look at this time in our history as a time of challenge and change, a great opportunity to do some things that have to be done. Working together diligently and openly, the members of this Senate can find common ground. We can make progress on issues that affect real people in North Carolina and they are the people that sent you here and who count on you. They want you to figure out how to get them jobs. They want a job. They want a job all over the State not just in urban areas. They want to see small business growth and development. They're tired of hearing about big businesses; they want you to help the small business. They want their kids to have a 21st Century education. At every school that I go in, the first thing I hear about is that there aren't enough computers, there aren't wires in there for them, it's just a mess. We're trying to prepare folks to work in the 21st Century economy with no technology in their schools. We need to figure out a way for you all to protect our military bases from the potential federal reduction and closure that's right before us in North Carolina. You've got to do a state-wide biotech initiative. I don't know how, but it's got to be done. You've got to work on all of us fat people. We have a huge obesity rate in North Carolina. It's passing heart attacks as the number one killer of people in our State. You've got to protect and preserve our natural resources because this is a grand State and it's up to us to keep it that way. So many important decisions, so many. The members of this Senate and of this General Assembly have faced and conquered obstacles for years. This is nothing new. Great things have been accomplished in tough times. The community college system, the Research Triangle Park, the early childhood programs that many of you were part of creating all happened during similar situations. So we know it can be done, and it can be done by you. I believe with all my heart that with leadership and vision we can have it all in this State. A North Carolina that works for everyone, isn't that a great dream? From ethnicities and backgrounds, and from all one hundred counties, rural and urban, this State can work for our people. That's what North Carolina is about. That's what leadership is about. Making the dreams come true for that little child somewhere sitting out there today who believes in you, or for that man or woman out there who has lost his or her job and who also, my friends, has lost trust in their elected officials to help them, real people with real problems. I'm ready to work with you to do what's right for our people and to give eight million tarheels a reason to know that in North Carolina in the Tarheel State, government works for all of our citizens and there isn't a doubt about it in anyone's mind. North Carolina is the greatest State in this Nation. You know the millions of North Carolinians, to quote a very old source, of those millions of North Carolinians 'many are called, many are called but very, very few are chosen.' You, sitting here in this room today, what an honor! How proud we all are of you. You were chosen. You weren't chosen just to sit in that chair. You were chosen to lead, to lead. Each of you, chosen by the people of this great State to do the right thing, not just the popular thing. That's what today is all about. Today you are North Carolina Senators chosen to lead. You know in a hundred years, somebody will look back at this time, at this point in the history of this

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state, a time of widespread uncertainty about homeland security, people worried about the economy, worried about a war, worried about our future. They'll know that's the climate you found yourself in this afternoon. I believe with all my heart they'll smile when they read about you in history and they will say 'Wow, wow, those folks in that Senate in 2003, they did it right. They fixed North Carolina. They were brave, brave leaders.' That's what today is all about. Thank you."

Senator Basnight is recognized and introduces Senator Hagan's nephew, Captain Niles Ruthven, USAF. He is a fighter pilot who flies the F-15C and is assigned to the 390th Fighter Squadron based at Mountain Home Air Force Base in Mountain Home, Idaho. He recently returned from Sultan Air Force Base in Saudi Arabia where he flew several missions over Iraq patrolling the Southern No Fly zone.

Upon motion of Senator Rand, seconded by all freshmen members, Senator Apodaca, Senator Blake, Senator Brock, Senator Dorsett, Senator Hargett, Senator Holloman, Senator Jenkins, Senator Malone, Senator Moore, Senator Pittenger, Senator Queen, Senator Shubert, Senator Sloan, Senator Smith, Senator Stevens, and Senator Tillman, the Senate adjourns at 2:16 P.M. to meet Thursday, January 30, at 9:00 A.M.

SECOND DAY

Senate Chamber
Thursday, January 30, 2003

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 as follows:

"Dear God, before the warmth of yesterday's opening session had worn off, with many still enjoying the extended activities of the day, we began receiving the chilling reports from Kinston.

"An explosion, a fire at West Pharmaceutical. Three dead and many, many injured.

"Because we are granted this opportunity to pray in the Senate, we remember the families of those killed and all those who were hospitalized. Here in Raleigh, in the Senate, we seem so far removed from such an event, even when we want to do more.

"Remind us that we are never ineffective in making a difference when we exercise our option to pray. Amen."

The Chair grants leaves of absence for today to Senator Carpenter, Senator Hartsell and Senator Hoyle.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, January 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 privileges of the floor to Dr. Daniel J. Albright from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Clara Hull from Cary, 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 Soles:

S.B. 2, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN APPLICANTS FOR DRIVERS LICENSES TO SUBMIT MEDICAL CERTIFICATES FROM OUT-OF-STATE PHYSICIANS.

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

By Senators Hoyle; Albertson, Allran, Apodaca, Ballantine, Berger, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Horton, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Rand, Reeves, Rucho, Sloan, Smith, Stevens, Swindell, Thomas and Weinstein:

S.B. 3, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS, AND TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR ORGANIZATION.

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

RECOGNITION OF PARTY OFFICERS

The President directs the Reading Clerk to read as follows:

North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh 27601-2808
January 29, 2003

The Honorable Beverly E. Perdue
President
North Carolina Senate
Senate Chamber
Raleigh, NC 27601

Cc: The Honorable Janet Pruitt
Principal Clerk
North Carolina Senate
Senate Chamber
Raleigh, NC 27601

January 30, 2003

Madame President:

Republican Senators met in Caucus Sunday, November 17, and elected officers to the 2003 Session of the General Assembly.

On that date Senator Phil Berger was selected as Secretary of the Senate Republican Caucus.

Respectfully,
S/Patrick Ballantine
Senate Minority Leader

EXECUTIVE ORDERS

The following Executive Orders received after adjournment *sine die* of the 2001 General Assembly, are presented to the Senate, read, and ordered filed in the Office of the Senate Principal Clerk, as follows (*See Appendix.*):

Executive Order Number 30, Amending Executive Order Number 113 Issued by Governor James B. Hunt, Jr. Concerning Merit-Based Hiring Process.

Executive Order Number 31, Extending Executive Order Number 27.

Executive Order Number 32, NC Commission on Business Laws and the Economy.

Executive Order Number 33, To Establish the Athletic Injury Management Rule Effective Date.

Executive Order Number 34, Public Employee Special Pay Plan.

Executive Order Number 35, Amending Governor Hunt's Executive Order Number 51 North Carolina Film Council.

Executive Order Number 36, Proclamation of State Disaster for the City of Statesville.

Executive Order Number 37, Extending Executive Order Number 29.

Executive Order Number 38, Extending Executive Order Number 88.

Executive Order Number 39, Implementation of the North Carolina Emergency Operations Plan Dated November 2002.

Executive Order Number 40, North Carolina Emergency Response Commission.

SENATE PAGES

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

Molly Bain, Raleigh; Dan Cox, Raleigh; Luke Custer, Fuquay-Varina; Cornelius Alexander Flowers, Louisburg; William Leon Flowers III, Louisburg; Mark John Keen, Raleigh; Jennifer Mandeville, Raleigh; Mary Katherine Moore, Raleigh; Benjamin Pattison, Raleigh; Sandy Roberts, Raleigh; Reid Marcellus Smith, Clayton; Erin Elizabeth Weiss, Raleigh.

Upon motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns at 9:19 A.M. to meet Monday, February 3, at 7:00 P.M. in memory of those who lost their lives in the West Pharmaceutical accident in Kinston, and in respect of those who were injured and the families of all the victims.

THIRD DAY

Senate Chamber
Monday, February 3, 2003

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, someone has said we never outgrow the past but sometimes we grow out of it.

"Please give the Senators wisdom enough to know what to keep from our rich heritage and what to discard.

"Changing paradigms, our pattern of thinking, can be difficult but productive. When Jesus healed someone on the Sabbath, he upset the legal appletart of the day. His actions defied laws of the time by changing his culture's pattern of thinking.

"But he didn't destroy the Law of Moses. He filled it with new meaning.

"I pray that these men and women will not be afraid, if necessary, to change the paradigm that exists here for the good that might result. In Your Holy Name we pray, Amen. "

The Chair grants a leave of absence for tonight to Senator Berger.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, January 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 privileges of the floor to Dr. Jack A. Lucas from Charlotte, 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.

The President extends privileges of the floor to The Honorable Marvin Ward, former Senator from Forsyth County.

February 3, 2003

INTRODUCTION OF A BILL AND A RESOLUTION

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

By Senators Reeves; Dannelly, Garrou, Gulley, Hargett, Lucas, Metcalf, Purcell and Shubert:

S.R. 4, A SENATE RESOLUTION ENCOURAGING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROTECTING OUR CHILDREN BY ESTABLISHING AN EXCLUSIVE WEB DOMAIN EXTENSION OF ".XXX" AND LIMITING THE POSTING AND DISSEMINATION OF OBSCENE OR PORNOGRAPHIC MATERIALS TO THE DESIGNATED DOMAIN.

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

By Senators Clodfelter; Dalton, Rand, Reeves and Thomas:

S.B. 5, A BILL TO BE ENTITLED AN ACT TO CLARIFY JURISDICTION OF THE GENERAL COURT OF JUSTICE WITH RESPECT TO CERTAIN CONSTITUTIONAL QUESTIONS.

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

SENATE PAGES

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

Jessie Agatha Blekfeld-Sztraky, Hayesville; Kenneth Gray Cooper, Forest City; Christopher Brian Drum, Bessemer City; Cornelius Alexander Flowers, Louisburg; Charles Grady Harmon, Bessemer City; Katlyn D. Howell, Crumpler; Martin Robert Mikusa, Clayton; Christopher Dorian Miller, Charlotte; Tyler Ross Pendry, Manteo; Adam Phillips, Fayetteville; Brion Rivera, Raleigh; and Rayshawn L. Smith, Jr., Pope AFB.

Upon motion of Senator Basnight, seconded by Senator Dalton, the Senate adjourns at 7:12 P.M. to meet tomorrow, Tuesday, February 4, at 2:15 P.M.

FOURTH DAY

Senate Chamber
Tuesday, February 4, 2003

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, although our prayers encompass all members of the Senate family,

today we pray especially for the sixteen new Senators.

"All the grand ideas and personal experience from other places that they bring to this place must first run the gauntlet of adjustment to the organization and structure, meeting so many new people, learning the pecking order that is followed, and wearing the vestments of humility in a place of great power.

"Keep their visions fresh so that when the time is right their ideas may be communicated well, welcomed, and received. In your Holy Name we pray, Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, February 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 privileges of the floor to Dr. Stephen C. Hardy from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day.

2003-2004 SENATE COMMITTEE APPOINTMENTS

Pursuant to Senate Rules 31 and 32, Senator Basnight, President *Pro Tempore*, announces the following Committees and appointments of the Committee Chairs and Members for the 2003-2004 Session:

Agriculture/Environment/Natural Resources

Chairman	Senator Albertson
Vice Chairman	Senator Allran
Vice Chairman	Senator Lucas
Vice Chairman	Senator Weinstein
Ranking Minority Member	Senator Horton
Members	Senators Bingham, Brock, Clodfelter, Garwood, Gulley, Hargett, Hartsell, Holloman, Jenkins, Kinnaird, Queen, Reeves, Shaw, Smith, Thomas, Tillman, Webster

Appropriations/Base Budget

Co-Chairman	Senator Garrou
Co-Chairman	Senator Dalton
Co-Chairman	Senator Hagan
Vice Chairman	Senator Albertson
Vice Chairman	Senator Gulley
Members	Senators Berger, Bingham, Blake, Brock, Carpenter, Clodfelter, Dannelly, Dorsett, Forrester, Foxx, Garwood, Hargett, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Sloan, Soles, Stevens, Swindell, Thomas, Weinstein

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Education/Higher Education Sub Committee

Co-Chairman	Senator Lucas
Co-Chairman	Senator Metcalf
Vice Chairman	Senator Malone
Ranking Minority Member	Senator Garwood
Members	Senators Brock, Hoyle, Stevens

General Government and Information Technology Sub Committee

Chairman	Senator Swindell
Vice Chairman	Senator Dorsett
Vice Chairman	Senator Moore
Ranking Minority Member	Senator Foxx

Health and Human Services Sub Committee

Co-Chairman	Senator Purcell
Co-Chairman	Senator Reeves
Vice Chairman	Senator Dannelly
Ranking Minority Member	Senator Forrester
Members	Senators Blake, Kerr, Kinnaird, Pittenger

Justice and Public Safety Sub Committee

Chairman	Senator Thomas
Vice Chairman	Senator Holloman
Vice Chairman	Senator Soles
Ranking Minority Member	Senator Bingham
Members	Senators Clodfelter, Rand, Sloan

Natural and Economic Resources Sub Committee

Chairman	Senator Weinstein
Vice Chairman	Senator Albertson
Ranking Minority Member	Senator Horton
Member	Senator Queen

Transportation Sub Committee

Chairman	Senator Gulley
Vice Chairman	Senator Jenkins
Ranking Minority Member	Senator Carpenter
Members	Senators Berger, Hargett, Rucho, Shaw

Commerce

Chairman	Senator Soles
Vice Chairman	Senator Hoyle
Vice Chairman	Senator Rand
Ranking Minority Member	Senator Berger
Members	Senators Apodaca, Ballantine, Carpenter, Dalton, Dorsett, Forrester, Foxx, Garrou, Hagan, Kerr, Malone, Metcalf, Moore, Pittenger, Purcell, Rucho, Sloan

Education/Higher Education

Co-Chairman	Senator Lucas
Co-Chairman	Senator Metcalf
Co-Chairman	Senator Garwood
Vice Chairman	Senator Swindell
Ranking Minority Member	Senator Allran
Members	Senators Apodaca, Bingham, Blake, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Jenkins, Malone, Moore, Purcell, Rucho, Shubert, Smith, Stevens, Thomas, Tillman

Finance

Co-Chairman	Senator Hoyle
Co-Chairman	Senator Kerr
Vice Chairman	Senator Clodfelter
Vice Chairman	Senator Shaw
Ranking Minority Member	Senator Carrington
Members	Senators Albertson, Allran, Apodaca, Ballantine, Berger, Blake, Dannelly, Foxx, Garrou, Gulley, Hagan, Hartsell, Kinnaird, Metcalf, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein

Health and Human Resources

Co-Chairman	Senator Purcell
Co-Chairman	Senator Bingham
Vice Chairman	Senator Queen
Ranking Minority Member	Senator Forrester
Members	Senators Brock, Dannelly, Garwood, Hargett, Hartsell, Hoyle, Kinnaird, Lucas, Malone, Metcalf, Reeves, Tillman

Information Technology

Co-Chairman	Senator Reeves
Co-Chairman	Senator Carrington
Vice Chairman	Senator Garrou
Ranking Minority Member	Senator Foxx
Members	Senators Gulley, Hagan, Holloman, Horton, Rand, Smith, Stevens

Judiciary I

Chairman	Senator Clodfelter
Vice Chairman	Senator Berger
Vice Chairman	Senator Soles
Ranking Minority Member	Senator Ballantine

Members Senators Albertson, Allran, Carpenter,
Garrou, Gulley, Hargett, Horton, Hoyle,
Jenkins, Lucas, Malone, Metcalf, Rand

Judiciary II

Chairman Senator Hartsell
Vice Chairman Senator Thomas
Ranking Minority Member Senator Webster
Members Senators Apodaca, Bingham, Dalton,
Dorsett, Hagan, Holloman, Kerr,
Kinnaird, Moore, Queen, Rucho, Shubert,
Sloan

Pensions & Retirement and Aging

Co-Chairman Senator Dalton
Co-Chairman Senator Garrou
Co-Chairman Senator Hagan
Members Senators Albertson, Berger, Bingham,
Blake, Brock, Carpenter, Clodfelter,
Dannelly, Dorsett, Forrester, Foxx,
Garwood, Gulley, Hargett, Holloman,
Horton, Hoyle, Jenkins, Kerr, Kinnaird,
Lucas, Malone, Metcalf, Moore,
Pittenger, Purcell, Queen, Rand, Reeves,
Rucho, Shaw, Sloan, Soles, Stevens,
Swindell, Thomas, Weinstein

Rules and Operations of the Senate

Chairman Senator Rand
Vice Chairman Senator Dalton
Ranking Minority Member Senator Horton
Members Senators Albertson, Ballantine, Berger,
Carrington, Forrester, Hoyle, Kinnaird,
Metcalf, Rucho, Soles, Swindell

State Government, Local Government and Veterans' Affairs

Chairman Senator Kinnaird
Vice Chairman Senator Hargett
Ranking Minority Member Senator Hartsell
Members Senators Albertson, Berger, Clodfelter,
Dorsett, Garwood, Horton, Malone,
Queen, Reeves, Sloan, Smith, Soles,
Stevens, Weinstein

Transportation

Chairman Senator Shaw
Vice Chairman Senator Gulley
Vice Chairman Senator Hoyle
Ranking Minority Member Senator Rucho

Members Senators Berger, Brock, Carpenter, Carrington, Garrou, Garwood, Hargett, Jenkins, Moore, Rand, Sloan, Swindell, Thomas, Tillman, Weinstein

Ways and Means

Chairman Senator Dannelly
Vice Chairman Senator Weinstein
Ranking Minority Member Senator Allran
Members Senators Albertson, Ballantine, Berger, Hargett, Hoyle, Jenkins, Kerr, Malone, Queen, Shubert, Swindell, Webster

Upon motion of Senator Basnight, seconded by Senator Allran, the Senate adjourns at 2:36 P.M. to meet tomorrow, Wednesday, February 5, at 2:00 P.M. in memory of the astronauts who lost their lives in the Columbia Shuttle disaster on February 1 and in respect for their families.

FIFTH DAY

Senate Chamber
 Wednesday, February 5, 2003

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 congratulate the new leadership appointed by Senator Basnight and wish them Godspeed.

"We know that during this session all the Senators and the staff will be pulled in a hundred different directions by so many people, all advocates of complex issues for which they would like laws to be written.

"Remind the Senators early on for the sake of their own health and well being that it is impossible to be everywhere at once and all things to all people.

"The Senators and staff bring a diversity of strengths to this place. May each of them find the gift that is theirs alone and then use it to make themselves indispensable to this community. Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, February 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 privileges of the floor to Dr. D. E. Ward, Jr.

February 5, 2003

from Lumberton, North Carolina, who is serving the Senate as Doctor 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 Albertson; Allran, Blake, Brock, Carpenter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Holloman, Horton, Jenkins, Kinnaird, Lucas, Malone, Metcalf, Moore, Purcell, Rand, Soles, Swindell, Thomas, Tillman and Weinstein:

S.B. 6, 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.

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

By Senators Rand; Apodaca, Bingham, Brock, Carrington, Dalton, Dannelly, Dorsett, Garrou, Gulley, Holloman, Hoyle, Jenkins, Kerr, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Reeves, Shubert, Sloan, Smith, Swindell, Thomas and Weinstein:

S.B. 7, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A DNA SAMPLE BE TAKEN FROM ANY PERSON ARRESTED OF A VIOLENT FELONY OR CERTAIN OTHER CRIMINAL OFFENSES AND TO REQUIRE THAT A DNA SAMPLE BE TAKEN FROM ANY PERSON CONVICTED OF ANY FELONY OR CERTAIN OTHER CRIMINAL OFFENSES.

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

By Senators Kerr; and Purcell:

S.B. 8, A BILL TO BE ENTITLED AN ACT PROVIDING IMMEDIATE ELIGIBILITY FOR UNEMPLOYMENT BENEFITS TO INDIVIDUALS UNEMPLOYED DUE TO A MAJOR INDUSTRIAL DISASTER.

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

INTRODUCTION OF A RESOLUTION

A 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.R. 12, A SENATE RESOLUTION UPDATING THE LIST OF SENATE COMMITTEES.

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

The resolution is adopted (49-0).

The text of the resolution is as follows:

Be it resolved by the Senate:

SECTION 1. As provided in Senate Rule 31 that upon the recommendation of the Committee on Rules and Operations of the Senate, the Senate may alter the name, number, and composition of the standing committees by a majority vote of the Senators present and voting, Senate Rule 32 reads as rewritten:

"RULE 32. **List of standing/select committees.** -

The standing committees shall be:

Agriculture/Environment/Natural Resources

Appropriations/Base Budget

Appropriations on Department of Transportation

Appropriations on Education/Higher Education

Appropriations on General Government and Information Technology

Appropriations on Health and Human Services

~~Appropriations on Information Technology~~

Appropriations on Justice and Public Safety

Appropriations on Natural and Economic Resources

~~Children & Human Resources~~

Commerce

Education/Higher Education

Finance

Health & Human Resources

~~Health Care~~

Information Technology

Insurance and Consumer Protection

Judiciary I

Judiciary II

~~Rural Development~~

~~State and Local Government~~State

Government, Local Government, and Veterans' Affairs

Pensions & Retirement and Aging

Rules and Operations of the Senate

Transportation

Ways & Means."

SECTION 2. This resolution is effective upon adoption.

Upon motion of Senator Basnight, seconded by Senator Bingham, the Senate adjourns at 2:24 P.M. in honor of the North Carolina School Counselors to meet tomorrow, Thursday, February 6, at 9:00 A.M.

SIXTH DAY

Senate Chamber
Thursday, February 6, 2003

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 an article on 'Navigating the General Assembly' the able political columnist for the *News & Observer* said that Raleigh has been 'too Baptist and too Methodist to have a watering hole where lawmakers hang out.'

"As a Baptist minister, I've heard all the jokes, like 'The only place Baptists don't speak to each other is at the ABC store.'

"But as the Senators drive home today, my guess is that every one of them will be grateful that their own town can be described in the very same way, too Baptist, too Episcopal, too Presbyterian, too something.

"I guess that's just the way we are in North Carolina and the way we want to be.

"Bless us, O God, for the choices we make that define who we are. Amen."

The Chair grants leaves of absence for today to Senator Berger, Senator Carrington and Senator Sloan.

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

The President of the Senate extends privileges of the floor to Dr. Charles H. Duckett from Bath, North Carolina, who is serving the Senate as Doctor 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 Pittenger; Allran, Apodaca, Ballantine, Bingham, Blake, Brock, Carpenter, Carrington, Forrester, Foxx, Hoyle, Rucho, Shubert, Smith, Stevens, Tillman and Webster:

S.B. 9, A BILL TO BE ENTITLED AN ACT TO MODIFY MEDICAL MALPRACTICE ACTIONS BY ESTABLISHING A CAP ON THE AWARD FOR NONECONOMIC COMPENSATORY DAMAGES, BY AUTHORIZING THE PERIODIC PAYMENT OF FUTURE DAMAGES IN LIEU OF A LUMP-SUM PAYMENT, AND BY ESTABLISHING MAXIMUM LIMITS FOR ATTORNEYS' FEES THAT ARE TO BE PAID ON A CONTINGENCY FEE BASIS.

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

February 5, 2003

By Senator Garwood; Carpenter, Foxx, and Shubert:

S.B. 10, A BILL TO BE ENTITLED AN ACT TO MODIFY AND MAKE PERMANENT THE OPTION FOR RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT LOSS OF RETIREMENT BENEFITS.

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

By Senators Pittenger; Allran, Apodaca, Ballantine, Bingham, Blake, Brock, Carpenter, Forrester, Hartsell, Horton, Rucho, Shubert, Sloan, Smith, Stevens, Tillman, Webster and Weinstein:

S.B. 11, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DNA SAMPLE AND ANALYSIS SHALL BE REQUIRED OF ANY PERSON CONVICTED OF A FELONY.

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 Ballantine, the Senate adjourns at 9:15 A.M. to meet Monday, February 10, at 7:00 P.M.

SEVENTH DAY

Senate Chamber
Monday, February 10, 2003

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, as we begin a new week, grant to us success in all of our work.

"When we are beset by so many requests and too little time give us the grace to offer more than a quick and superficial yes or no.

"Help us to give to those who seek after us what they really want, our attention, our interest, and our understanding, the same gifts that you make available to us each day. In your Holy Name we pray, Amen."

The Chair grants leaves of absence for tonight to Senator Berger, Senator Clodfelter and Senator Dorsett.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, February 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 privileges of the floor to Dr. Edwin T. Preston from Durham, North Carolina, who is serving the Senate as Doctor of the Day.

February 10, 2003

REFERRAL OF BILLS

Bills ordered held in the Office of the Principal Clerk on January 30 pending referral to committee, are withdrawn from the Principal Clerk's Office and referred as follows:

S.B. 2, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN APPLICANTS FOR DRIVERS LICENSES TO SUBMIT MEDICAL CERTIFICATES FROM OUT-OF-STATE PHYSICIANS.

Referred to **Health and Human Resources Committee**.

S.B. 3, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS, AND TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR ORGANIZATION.

Referred to **Judiciary I Committee**.

S.B. 5, A BILL TO BE ENTITLED AN ACT TO CLARIFY JURISDICTION OF THE GENERAL COURT OF JUSTICE WITH RESPECT TO CERTAIN CONSTITUTIONAL QUESTIONS.

Referred to **Judiciary I Committee**.

S.B. 6, 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.

Referred to **Judiciary I Committee**.

S.B. 7, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A DNA SAMPLE BE TAKEN FROM ANY PERSON ARRESTED OF A VIOLENT FELONY OR CERTAIN OTHER CRIMINAL OFFENSES AND TO REQUIRE THAT A DNA SAMPLE BE TAKEN FROM ANY PERSON CONVICTED OF ANY FELONY OR CERTAIN OTHER CRIMINAL OFFENSES.

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

S.B. 8, A BILL TO BE ENTITLED AN ACT PROVIDING IMMEDIATE ELIGIBILITY FOR UNEMPLOYMENT BENEFITS TO INDIVIDUALS UNEMPLOYED DUE TO A MAJOR INDUSTRIAL DISASTER.

Referred to **Finance Committee**.

S.B. 10, A BILL TO BE ENTITLED AN ACT TO MODIFY AND MAKE PERMANENT THE OPTION FOR RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT LOSS OF RETIREMENT BENEFITS.

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

S.B. 11, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DNA

SAMPLE AND ANALYSIS SHALL BE REQUIRED OF ANY PERSON CONVICTED OF A FELONY.

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

INTRODUCTION OF BILLS

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

By Senators Hagan; Dorsett, Garrou, Kerr, Lucas, Queen, Reeves, Shubert, Swindell and Thomas:

S.B. 13, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PERFORM DNA ANALYSIS ON UNTESTED SEXUAL ASSAULT KITS LOCATED IN LAW ENFORCEMENT DEPARTMENTS ACROSS NORTH CAROLINA AND TO PROVIDE THE STATE BUREAU OF INVESTIGATION CRIME LABORATORY SUFFICIENT FUNDS TO PERFORM DNA ANALYSIS OF EVIDENCE TO ASSIST LAW ENFORCEMENT AND PROSECUTORS IN CONVICTING CRIMINALS.

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

By Senator Bingham:

S.B. 14, A BILL TO BE ENTITLED AN ACT RELATING TO THE 33RD SENATORIAL DISTRICT.

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

By Senator Bingham:

S.B. 15, A BILL TO BE ENTITLED AN ACT RELATING TO THE 33RD SENATORIAL DISTRICT.

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

By Senator Bingham:

S.B. 16, A BILL TO BE ENTITLED AN ACT RELATING TO THE 33RD SENATORIAL DISTRICT.

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

By Senator Bingham:

S.B. 17, A BILL TO BE ENTITLED AN ACT RELATING TO THE 33RD SENATORIAL DISTRICT.

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

By Senators Foxx; Allran, Apodaca, Ballantine, Bingham, Blake, Brock, Carpenter, Forrester, Garwood, Hartsell, Horton, Rucho, Sloan, Tillman and Webster:

S.B. 18, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE WILL OF THE VOTERS IS NOT FRUSTRATED BY PROTRACTED ELECTION PROTESTS.

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

February 10, 2003

By Senators Albertson; Blake and Rand:

S.B. 19, A BILL TO BE ENTITLED AN ACT TO PERMIT CERTAIN TOWNSHIP ABC ELECTIONS.

Referred to **Judiciary I Committee**.

By Senators Bingham, Rand; Allran, Carpenter, Clodfelter, Forrester, Foxx, Garwood, Hartsell, Horton, Shubert, Tillman, and Webster:

S.B. 20, A BILL TO BE ENTITLED AN ACT TO REQUIRE LICENSURE OF PROFESSIONAL EMPLOYER ORGANIZATIONS.

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

CHANGES TO 2003 SENATE COMMITTEES

Senator Basnight, President *Pro Tempore*, announces the following changes to Senate Committees.

Senator Brock is removed from the **Appropriations on Education/Higher Education Committee**.

Senator Hartsell is appointed to the **Appropriations on Education/Higher Education Committee**.

Senator Foxx is appointed as Vice Chair of **Appropriations on General Government and Information Technology Committee**.

Senator Smith is appointed to the **Appropriations on General Government and Information Technology Committee**.

Senator Kinnaird is removed from the **Appropriations on Health and Human Services Committee**.

Senator Kinnaird is appointed to the **Appropriations on Justice and Public Safety Committee**.

Senator Allran is removed from the **Judiciary I Committee**.

Senator Allran is appointed as Vice Chair of the **Judiciary II Committee**.

Senator Shaw is removed from the **Agriculture/Environment/Natural Resources Committee**.

Senator Kinnaird is appointed as Vice Chair of the **Agriculture/Environment/Natural Resources Committee**.

Senator Shaw is appointed to the **Commerce Committee**.

Senator Brock is appointed to the **Finance Committee**.

Senator Horton is appointed as Vice Chair of the **Education/Higher Education Committee**.

Senator Allran is appointed as Co-Chair of the **Pensions & Retirement and Aging Committee**.

Senator Stevens is removed from the **Information Technology Committee**.

Senator Smith is removed from the **Information Technology Committee**.

Senator Brock is removed from the **Health and Human Resources Committee**.

Senator Allran is appointed as Vice Chair of the **Health and Human Resources Committee**.

Senator Tillman is removed from the **Health and Human Resources Committee**.

Senator Gulley is appointed as Vice Chair of the **Rules and Operations of the Senate Committee**.

Senator Thomas is appointed to the **Rules and Operations of the Senate Committee**.

Senator Horton is removed from the **Information Technology Committee**.

SENATE PAGES

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

Alexandra Michelle Apple, Raleigh; Matthew Thomas Blevins, Bunn; Lene' Bristow, Garner; Dan Cox, Raleigh; Luke Custer, Fuquay-Varina; Andrea K. Henderson, Raleigh; Lily Beatrice Jenkins, Statesville; Vallory L. Moss, Raleigh; Jennifer Pinkerton, Kernersville; Joshua Austin Tunstall, Lillington; and Charlene Whitman, Lumberton.

Upon motion of Senator Basnight, seconded by Senator Hagan, the Senate adjourns at 7:20 P.M. to meet tomorrow, Tuesday, February 11, at 2:00 P.M.

EIGHTH DAY

Senate Chamber
Tuesday, February 11, 2003

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:

"God of all nations, you alone can make all things new. Help us to be communicators of that purpose in our troubled world where the clouds of war thicken.

"For what these Senators are able to do in behalf of a more just world, we are grateful.

"Reveal to us, O God, how we may best pray for those in whose hands the real decisions about war lie. May they be guided by principle not prejudice, by truth and not by wishful thinking, and by a commitment to the good of humanity. In your Holy Name we pray, Amen."

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

Senator Rand, announces that the Journal of yesterday, Monday, February 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 Pro Tempore of the Senate extends privileges of the floor to Dr. Walter J. Pories from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Cherry Beasley from Pembroke, North Carolina, who is serving the Senate as Nurse of the Day.

February 11, 2003

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Rand:

S.J.R. 21, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF BLADENBORO ON THE TOWN'S 100TH ANNIVERSARY.

Without objection, upon motion of Senator Rand the joint resolution is placed on the Calendar for tomorrow, Wednesday, February 12.

By Senators Weinstein; Albertson, Apodaca, Carpenter, Clodfelter, Dalton, Dannelly, Forrester, Garrou, Garwood, Hagan, Hargett, Holloman, Hoyle, Kerr, Kinnaird, Malone, Metcalf, Moore, Pittenger, Purcell, Rand, Reeves, Rucho, Sloan, Smith, Thomas and Tillman:

S.B. 22, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY.

Referred to **Judiciary I Committee**.

By Senators Weinstein; Albertson, Apodaca, Carpenter, Dalton, Dannelly, Forrester, Garrou, Garwood, Hagan, Hargett, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Malone, Metcalf, Moore, Pittenger, Purcell, Rand, Reeves, Rucho, Sloan, Smith, Thomas and Tillman:

S.B. 23, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY.

Referred to **Judiciary I Committee**.

Upon motion of Senator Dannelly, seconded by Senator Shaw, the Senate adjourns at 2:12 P.M. to meet tomorrow, Wednesday, February 12, at 2:00 P.M.

NINTH DAY

Senate Chamber
Wednesday, February 12, 2003

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 are glad that the Lieutenant Governor is feeling better today and is back with us.

"At some time during this session every Senator will face a question of truth, a soul searching moment.

"When that happens, if your answer isn't readily available to them, there is always an option for the Senators to be other-directed, that is, getting busy doing something for someone else.

"Because at those crucial times when we cannot see God, there is open to us the sacred possibility of showing God to others. Then Your presence and the answers to our own questions will become more readily available. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, February 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 privileges of the floor to Dr. Shiva K. Rao from Roanoke Rapids, 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.

The President extends privileges of the floor to The Honorable Bill Barker, former Senator from Pamlico County.

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:

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

S.B. 8, A BILL TO BE ENTITLED A BILL TO BE ENTITLED AN ACT PROVIDING IMMEDIATE ELIGIBILITY FOR UNEMPLOYMENT BENEFITS TO INDIVIDUALS UNEMPLOYED DUE TO A MAJOR INDUSTRIAL DISASTER, with a favorable report.

INTRODUCTION OF BILLS

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

By Senator Garrou:

S.B. 24, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.
Referred to **Rules and Operations of the Senate Committee.**

By Senator Garrou:

S.B. 25, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.
Referred to **Rules and Operations of the Senate Committee.**

By Senator Garrou:

S.B. 26, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.
Referred to **Rules and Operations of the Senate Committee.**

February 12, 2003

By Senators Reeves; Ballantine, Carpenter, Dorsett, Holloman, Malone, Moore, Shubert, Sloan and Weinstein:

S.B. 27, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROTECT EMPLOYER CONTRIBUTION RATES BUDGETED FOR THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM IN THE SAME MANNER AS RETIREMENT SYSTEM FUNDS.

Referred to **Judiciary I Committee**, and upon a favorable report, re-referred to the **Pensions & Retirement and Aging Committee**.

By Senators Ballantine; Apodaca, Berger, Blake, Carpenter, Dalton, Garwood, Malone, Pittenger, Rucho, Shubert, Sloan, Smith, Stevens and Weinstein:

S.B. 28, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE FOR CAPITAL AND OPERATING EXPENSES TO ELIMINATE THE CURRENT BACKLOG OF UNTESTED RAPE KITS AND TO CONTINUE TO PROVIDE TESTING OF RAPE KITS ON A TIMELY BASIS, AND TO DIRECT THE STATE BUREAU OF INVESTIGATION TO SURVEY LOCAL LAW ENFORCEMENT OFFICES STATEWIDE TO DETERMINE THE MAGNITUDE OF THE BACKLOG OF UNTESTED RAPE KITS.

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

CALENDAR

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

S.J.R. 21, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF BLADENBORO ON THE TOWN'S 100TH ANNIVERSARY.

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

Senator Rand:

"Thank you very much Madame President. Ladies and gentlemen of the Senate, perhaps one of the few, maybe the only happy thing that came out of the redistricting is that I was given the pleasure of representing Bladen County. Senator Soles had had it for a number of times and he really didn't care much for that result, but that was just the way life is sometimes. But it is now my privilege and my pleasure to represent the good people of Bladen County. One of the really pleasant places in Bladen County is Bladenboro. Today is its 100th Anniversary and I was talking to the Mayor and one of the town commissioners and the town administrator when we were walking over here and we figure in about twenty seconds it will be absolutely one hundred years so it's a very appropriate time, I think, for us to celebrate its 100th Anniversary. We are pleased today to have with us Livingston Lewis, the Mayor; Larry Simmons who is a town commissioner; and Delane Jackson, the town administrator. They sit here in the gallery right in the middle part by the main doors in the back. Bladenboro is a wonderful town. It was established by commerce and continues today. If any of you ever have the pleasure to go and attend the Christmas parade in Bladenboro, it is an absolutely wonderful event. I went this year. They had

about 125 or 130 units in this parade and it's a celebration by this town of longstanding and it is a wonderful, wonderful event. We will celebrate this weekend the 100th Anniversary and we would encourage everyone to come and celebrate with us and we hope if you do you will bring large sums of money because Bladen County and Bladenboro need everything they can to help them along. But its early history with its academy with the commercial enterprises that occurred there is a wonderful part of the history of Southeastern North Carolina and we're delighted today that we can celebrate the 100th Anniversary of this wonderful town and we congratulate them on their accomplishments of the first century of their existence. Thank you, Madame President. I ask for your support of the resolution."

Senator Soles:

"Madame President, ladies and gentlemen of the Senate, I am delighted to stand and speak on behalf of this resolution honoring the town of Bladenboro on its 100th Anniversary and in spite of what some of you may think, I was not there when that was accomplished. Although I did have the great pleasure of serving them for the last thirty years, first as a member of the House of Representatives and then in the Senate and Tony Rand and I almost came to blows about this changing of the district, but neither one of us had very much to do with it. It came from on high, as you know. We've talked about it and I've already given Senator Rand fair warning that if I can find a way to get Bladen County back, I'm going to get it. It was always kind of my security blanket at election time. Brunswick County or some of the other counties could always kind of threaten me and get my attention, but I always knew that Bladen County was there and particularly the town of Bladenboro and they brought me through several times. As you read the resolution, the Bridger Family probably has the highest profile name there because they owned and established the bank and the cotton mill and about everybody worked with them or banked with them or both and the name Bridger became almost synonymous with Bladenboro, but I'm telling you, there are truly outstanding people there who are not named Bridger. They work together, they pull together, they have brought this community to the forefront and I thank them so much for letting me be a part of it for longer than I almost wish to admit. Thank you very much. "

Senator Weinstein:

"I, too, have had quite a relationship with the town of Bladenboro. I knew the previous Mayor, Edgar Evans, and the present Mayor, Livingston Lewis, for many, many years, also the Bridger family who has a reputation in Southeastern North Carolina for being a very benevolent family. But most of all, Bladenboro was famous in the 1950's for an incident that happened there that went all over the State, known as 'The Beast of Bladenboro,' and I partook in hunting the Beast of Bladenboro. Myself and three other guys got our rifles and we went out there, drove that evening to Bladenboro after about a week of the beast prowling the city and people scared to death, and when we arrived there must have been around seven or eight hundred people out there armed to the teeth. If anything had jumped out in the road I think eighty people would have been killed on site, but we never found the beast and finally the beast receded. Bladenboro is a fine little community. It's about what small town America is all about and congratulations to the officials here from Bladenboro on your 100th birthday and I wish you many, many more birthdays. Thank you."

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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 guests from Bladenboro: The Honorable Livingston Lewis, Mayor; Larry W. Simmons, Town Commissioner; and Delane Jackson, Town Manager.

CHANGES TO 2003 SENATE COMMITTEES

Senator Basnight, President *Pro Tempore*, announces the following change to Senate Committees.

Senator Stevens is appointed to the **Transportation Committee**.

Upon motion of Senator Basnight, seconded by Senator Purcell, the Senate adjourns at 2:31 P.M. to meet tomorrow, Thursday, February 13, at 9:00 A.M.

TENTH DAY

Senate Chamber
Thursday, February 13, 2003

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

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

"Loving God, on this day before Valentine's Day, we give you thanks for your gift of love; for love that is patient, kind, humble, and unselfish; for love that is not jealous or boastful or rude. Help us to be reflections of that kind of love.

"We also thank you for those whom we love and by whom we are loved - for husbands, wives, parents, children, and friends. By our words and deeds, help us to affirm the value of all persons, that by your love speaking through us, they may be enriched and blessed. Amen."

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

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, February 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 Pro Tempore of the Senate extends privileges of the floor to Dr. Charles F. Willson from Greenville, North Carolina, who is serving the Senate as Doctor of the Day.

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 42, Extending Executive Order Number 41, Suspension of Rules and Regulations Limiting the Hours Operators of Commercial Vehicles May Drive.

Executive Order Number 43, Establishment of Statewide Citizen Corps Council.

Executive Order Number 44, Extending Registration of Certain Vehicles.

INTRODUCTION OF BILLS

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

By Senators Allran; Apodaca, Berger, Clodfelter, Shubert, Sloan and Smith:

S.B. 29, A BILL TO BE ENTITLED AN ACT TO EXTEND THE EFFECTIVE DATE OF THE EXEMPTION GIVEN TO RETAILERS UNDER THE LAWS REGULATING PLUMBING AND HEATING CONTRACTORS.

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

By Senator Hoyle:

S.B. 30, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF DALLAS TO AUTHORIZE THE BOARD OF ALDERMEN TO DELEGATE THE AUTHORITY TO SUSPEND OR REMOVE EMPLOYEES.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senators Foxx; Allran, Apodaca, Berger, Blake, Brock, Carpenter, Carrington, Forrester, Garwood, Hartsell, Horton, Kinnaird, Pittenger, Rucho, Shubert, Sloan, Smith, Stevens, Thomas, Tillman and Webster:

S.B. 31, A BILL TO BE ENTITLED AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to **Pensions & Retirement and Aging Committee**.

By Senators Bingham; Apodaca, Berger, Blake, Carrington, Forrester, Garwood, Gulley, Hagan, Hartsell, Horton, Kerr, Pittenger, Reeves, Shubert, Smith, Tillman and Weinstein:

S.B. 32, A BILL TO BE ENTITLED AN ACT DESIGNATING MAY OF EACH YEAR AS MOTORCYCLE AWARENESS MONTH.

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

By Senators Thomas; Albertson, Allran, Apodaca, Ballantine, Berger, Bingham, Brock, Carpenter, Dalton, Forrester, Foxx, Garwood, Hoyle, Jenkins, Kerr, Lucas, Moore, Pittenger, Queen, Rucho, Shubert, Sloan, Smith, Swindell and Webster:

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S.B. 33, A BILL TO BE ENTITLED AN ACT TO PROVIDE RECIPROCAL CONCEALED HANDGUN RIGHTS TO CONCEALED HANDGUN PERMIT HOLDERS OF OTHER STATES.

Referred to **Judiciary II Committee**.

By Senators Gulley; Carpenter and Shubert:

S.B. 34, A BILL TO BE ENTITLED AN ACT TO REESTABLISH THE HIGHWAY TRUST FUND STUDY COMMITTEE.

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

By Senators Gulley; and Carpenter:

S.B. 35, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE THE PORTION OF CONTRACT MAINTENANCE RESURFACING FUNDS ALLOCATED TO WIDENING EXISTING NARROW PAVEMENTS SCHEDULED FOR RESURFACING TO BE USED TO WIDEN ANY EXISTING NARROW PAVEMENTS AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE HIGHWAY TRUST FUND SECONDARY ROAD PAVING FUNDS ALLOCATED TO EACH COUNTY FOR THE ADDITIONAL PURPOSE OF SAFETY IMPROVEMENTS ON PAVED AND UNPAVED ROADS IN THE SAME COUNTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

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

By Senators Gulley; and Carpenter:

S.B. 36, A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND TO AUTHORIZE THE USE OF HIGHWAY TRUST FUND FUNDS TO MATCH FEDERAL-AID HIGHWAY FUNDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

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

By Senators Gulley; and Carpenter:

S.B. 37, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON EARNINGS BY RETIRED DEPARTMENT OF TRANSPORTATION ENGINEERS AND ENGINEERING TECHNICIANS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

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

By Senators Gulley; and Carpenter:

S.B. 38, A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE DEPARTMENT OF TRANSPORTATION AS THE STATE AGENCY RESPONSIBLE FOR FIXED GUIDEWAY TRANSIT SAFETY, PURSUANT TO FEDERAL LAW, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to **Transportation Committee**.

By Senators Gulley; and Shubert:

S.B. 39, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Select Committee on State Health Plan** and upon a favorable report, re-referred to the **Pensions & Retirement and Aging Committee**.

By Senator Shaw:

S.B. 40, A BILL TO BE ENTITLED AN ACT RELATING TO THE 21ST SENATORIAL DISTRICT.

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

By Senator Shaw:

S.B. 41, A BILL TO BE ENTITLED AN ACT RELATING TO THE 21ST SENATORIAL DISTRICT.

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

By Senator Shaw:

S.B. 42, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Shaw:

S.B. 43, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senators Shubert; Allran, Apodaca, Ballantine, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Horton, Pittenger, Rucho, Sloan, Smith, Stevens, Tillman and Webster:

S.B. 44, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE THAT IN ADOPTING A BUDGET, THE GENERAL ASSEMBLY MAY NOT USE REVENUE ESTIMATES HIGHER THAN THE AMOUNT COLLECTED IN THE PRIOR CALENDAR YEAR, EXCEPT WITH A TWO-THIRDS VOTE OF EACH HOUSE, AND PROVIDING THAT EXCESS COLLECTIONS SHALL BE PLACED IN A RESERVE FUND.

Referred to **Judiciary I Committee**.

By Senator Hagan:

S.B. 45, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

By Senator Hagan:

S.B. 46, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

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By Senator Hagan:

S.B. 47, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

ENROLLED BILL

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

S.J.R. 21, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF BLADENBORO ON THE TOWN'S 100TH ANNIVERSARY. (Res. 1)

CALENDAR

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

S.B. 8, A BILL TO BE ENTITLED AN ACT PROVIDING IMMEDIATE ELIGIBILITY FOR UNEMPLOYMENT BENEFITS TO INDIVIDUALS UNEMPLOYED DUE TO A MAJOR INDUSTRIAL DISASTER.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 29, A BILL TO BE ENTITLED AN ACT TO EXTEND THE EFFECTIVE DATE OF THE EXEMPTION GIVEN TO RETAILERS UNDER THE LAWS REGULATING PLUMBING AND HEATING CONTRACTORS, referred to the **Rules and Operations of the Senate Committee** on February 13.

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**.

CHANGES TO 2003 SENATE COMMITTEES

Senator Basnight, President *Pro Tempore*, announces the following changes to Senate Committees.

Senator Garwood is removed from the **Transportation Committee**.

Senator Hargett is removed from the **Health and Human Services Committee**.

ADDITIONAL SPONSORS

Senator Allran, Senator Berger and Senator Lucas request to be added as a sponsor of previously introduced legislation:

S.B. 27, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROTECT EMPLOYER

CONTRIBUTION RATES BUDGETED FOR THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM IN THE SAME MANNER AS RETIREMENT SYSTEM FUNDS.

Senator Allran, Senator Brock and Senator Foxx request to be added as a sponsor of previously introduced legislation:

S.B. 28, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE FOR CAPITAL AND OPERATING EXPENSES TO ELIMINATE THE CURRENT BACKLOG OF UNTESTED RAPE KITS AND TO CONTINUE TO PROVIDE TESTING OF RAPE KITS ON A TIMELY BASIS, AND TO DIRECT THE STATE BUREAU OF INVESTIGATION TO SURVEY LOCAL LAW ENFORCEMENT OFFICES STATEWIDE TO DETERMINE THE MAGNITUDE OF THE BACKLOG OF UNTESTED RAPE KITS.

Upon motion of Senator Dannelly, seconded by Senator Jenkins, the Senate adjourns at 9:23 A.M. to meet Monday, February 17, at 7:00 P.M.

ELEVENTH DAY

Senate Chamber
Monday, February 17, 2003

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 Robert L. Holloman, Senator from Hertford County, as follows:

"Let us pray. Our Father and our Lord and Savior Jesus Christ, we come before thy presence tonight giving thanksgiving unto your holy and blessed name. We thank you now for a land of freedom, a land of choice. We pray tonight that you will bless, and lead, and guide the President of the United States. We pray for our men and women who wear the uniform in foreign lands. We ask all your blessings upon this Senate tonight and this week, upon the House, and upon our Governor. We ask that thou will bring us on one accord, that we may do the best thing for North Carolina. These and all blessings we ask in Jesus' name, Amen."

The Chair grants leaves of absence for tonight to Senator Allran, Senator Berger, Senator Bingham, Senator Dorsett, Senator Kinnaird and Senator Stevens.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, February 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.

February 17, 2003

INTRODUCTION OF BILLS

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

By Senators Carpenter; Allran, Apodaca, Ballantine, Berger, Bingham, Blake, Brock, Carrington, Forrester, Foxx, Garwood, Hartsell, Horton, Pittenger, Reeves, Rucho, Shubert, Sloan, Smith, Stevens, Thomas, Tillman and Webster:

S.B. 48, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CONTINUED FINANCIAL SECURITY OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

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

By Senators Allran; Ballantine, Berger, Brock, Carpenter, Forrester, Foxx, Rucho, Shubert and Smith:

S.B. 49, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE TO THE STATE RETIREMENT SYSTEMS THOSE CONTRIBUTIONS THAT WOULD HAVE BEEN MADE FOR THE FISCAL PERIOD BEGINNING FEBRUARY 28, 2001, AND ENDING JUNE 30, 2001, BUT FOR THE GOVERNOR'S USE OF THOSE FUNDS TO BALANCE THE BUDGET.

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

By Senators Ballantine; Allran, Carpenter and Shubert:

S.B. 50, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA HEALTH INSURANCE PLAN, BASED ON THE HEALTH PLAN FOR UNINSURABLE INDIVIDUALS MODEL ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, TO MEET THE NEEDS OF INDIVIDUALS WHO HAVE DIFFICULTY OBTAINING HEALTH INSURANCE AND TO QUALIFY FOR FEDERAL FUNDS UNDER PUBLIC LAW 107-210, THE TRADE ACT OF 2002, AND TO APPROPRIATE FUNDS THEREFOR.

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

By Senator Clodfelter:

S.B. 51, A BILL TO BE ENTITLED AN ACT TO CLOSE A LOOPHOLE THAT ALLOWS CORPORATIONS TO CONTINUE AVOIDING FRANCHISE TAXES.

Referred to **Finance Committee**.

By Senator Clodfelter:

S.B. 52, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE COURT'S DISCRETION TO ALLOW COURT COSTS.

Referred to **Judiciary I Committee**.

By Senators Reeves, Holloman; Apodaca, Hargett, Smith, Stevens, Swindell and Thomas:

S.B. 53, A BILL TO BE ENTITLED AN ACT TO ALLOW LAW ENFORCEMENT OFFICERS WHO ARE MEMBERS OF THE TEACHERS' AND

STATE EMPLOYEES' RETIREMENT SYSTEM OR THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO RETIRE WITH UNREDUCED BENEFITS AFTER COMPLETING TWENTY-FIVE YEARS OF SERVICE.

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

By Senator Reeves:

S.B. 54, A BILL TO BE ENTITLED AN ACT TO STANDARDIZE THE INVESTIGATION AND DISCIPLINE OF LAW ENFORCEMENT OFFICERS AND TO PROVIDE FOR JUDICIAL REVIEW OF DISCIPLINARY ACTIONS.

Referred to **Judiciary I Committee.**

By Senators Forrester; Albertson, Apodaca, Ballantine, Berger, Blake, Brock, Carpenter, Carrington, Hartsell, Hoyle, Pittenger, Rucho, Shubert, Sloan and Smith:

S.B. 55, A BILL TO BE ENTITLED AN ACT TO PHASE-OUT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS OVER A FIVE-YEAR PERIOD.

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

By Senators Moore; Apodaca, Brock, Forrester, Foxx, Holloman, Queen, Shubert, Sloan, and Tillman:

S.B. 56, 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 Ballantine:

S.B. 57, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CAROLINA BEACH TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES.

Referred to **Judiciary II Committee.**

By Senator Dalton:

S.B. 58, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

By Senator Dalton:

S.B. 59, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

By Senator Dalton:

S.B. 60, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

Upon motion of Senator Dannelly, seconded by Senator Queen, the Senate adjourns at 7:07 P.M. to meet tomorrow, Tuesday, February 18, at 2:00 P.M.

TWELFTH DAY

Senate Chamber
Tuesday, February 18, 2003

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:

"Let us pray. Yesterday Almighty God, our nation celebrated Presidents' Day. We thank you for the inspiration that breathes in the memory of great Presidents who have inspired and led our nation.

"We pray that we will neither break faith with any of yesterday's promises visioned by these great men, nor leave unrepaired yesterday's wrongs.

"Bless our President, give him wisdom and diplomacy in the great pressures of international relations and give him courage to face down fearful forces that threaten our world.

"Show all of us what we can do to make the Earth's community a better place in which to live. Amen."

The Chair grants leaves of absence for today to Senator Rucho and Senator Soles.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, February 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 privileges of the floor to Dr. Geoffrey K. Bowman from Statesville, North Carolina, who is serving the Senate as Doctor 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. 3, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS, AND TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR ORGANIZATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75033, which changes the title to read **S.B. 3** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS AND TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR

ORGANIZATION, is adopted and engrossed.

Upon motion of Senator Clodfelter, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

Senator Shubert offers Amendment No. 1 which fails of adoption (19-27).

The Committee Substitute bill passes its second reading by a three-fifths majority vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Sloan, Smith, Stevens, Swindell, Thomas, Tillman and Weinstein—45.

Voting in the negative: Senator Shubert—1.

The Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, February 19, upon third reading.

INTRODUCTION OF BILLS

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

By Senators Rand; Foxx and Shaw:

S.B. 61, A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE PROCEDURE FOR CALCULATING TUITION FOR MILITARY PERSONNEL AND THEIR DEPENDENTS.

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

By Senator Rand:

S.B. 62, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR JUDICIAL REFORM.

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

By Senator Rand:

S.B. 63, 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.

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

By Senator Rand:

S.B. 64, 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.

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

By Senator Rand:

S.B. 65, A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATE HEALTH PLAN.

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

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By Senator Rand:

S.B. 66, A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATE HEALTH PLAN.

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

By Senator Rand:

S.B. 67, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2003-2004 FISCAL YEAR.

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

By Senator Rand:

S.B. 68, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2003-2004 FISCAL YEAR.

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

By Senator Rand:

S.B. 69, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2003-2004 FISCAL YEAR.

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

By Senator Rand:

S.B. 70, A BILL TO BE ENTITLED AN ACT AMENDING THE LOCAL LAWS OF THE 19TH SENATORIAL DISTRICT.

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

By Senator Rand:

S.B. 71, A BILL TO BE ENTITLED AN ACT AMENDING THE LOCAL LAWS OF THE 19TH SENATORIAL DISTRICT.

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

By Senator Rand:

S.B. 72, A BILL TO BE ENTITLED AN ACT AMENDING THE LOCAL LAWS OF THE 19TH SENATORIAL DISTRICT.

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

By Senator Rand:

S.B. 73, A BILL TO BE ENTITLED AN ACT AMENDING THE LOCAL LAWS OF THE 19TH SENATORIAL DISTRICT.

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

By Senator Rand:

S.B. 74, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Rand:

S.B. 75, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Purcell:

S.B. 76, A BILL TO BE ENTITLED AN ACT RELATING TO THE 25TH SENATORIAL DISTRICT.

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

By Senator Purcell:

S.B. 77, A BILL TO BE ENTITLED AN ACT RELATING TO THE 25TH SENATORIAL DISTRICT.

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

By Senator Purcell:

S.B. 78, A BILL TO BE ENTITLED AN ACT RELATING TO THE 25TH SENATORIAL DISTRICT.

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

By Senator Purcell:

S.B. 79, A BILL TO BE ENTITLED AN ACT RELATING TO THE 25TH SENATORIAL DISTRICT.

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

By Senator Purcell:

S.B. 80, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Purcell:

S.B. 81, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Purcell:

S.B. 82, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Swindell:

S.B. 83, A BILL TO BE ENTITLED AN ACT RELATING TO THE 11TH SENATORIAL DISTRICT.

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

By Senator Swindell:

S.B. 84, A BILL TO BE ENTITLED AN ACT RELATING TO THE 11TH SENATORIAL DISTRICT.

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

By Senator Swindell:

S.B. 85, A BILL TO BE ENTITLED AN ACT RELATING TO THE 11TH SENATORIAL DISTRICT.

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

February 18, 2003

By Senator Swindell:

S.B. 86, A BILL TO BE ENTITLED AN ACT RELATING TO THE 11TH SENATORIAL DISTRICT.

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

By Senator Garrou:

S.B. 87, A BILL TO BE ENTITLED AN ACT RELATING TO THE 32ND SENATORIAL DISTRICT.

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

By Senator Garrou:

S.B. 88, A BILL TO BE ENTITLED AN ACT RELATING TO THE 32ND SENATORIAL DISTRICT.

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

SENATE PAGES

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

Jacob Buchanan Apple, Kernersville; Lene' Bristow, Garner; Brennan Reed Eberle, Cary; William Lynn Floyd, Jr., Fairmont; Janai Harris, Garner; Jamena Lynna Hinton, Wendell; Amanda Holder, Raleigh; Ashley Elizabeth Keel, Bethel; Mark Christopher McIntyre, Fairmont; Brittany Smith, Raleigh; and Jasmine Steele, Garner.

ADDITIONAL SPONSORS

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

S.B. 53, A BILL TO BE ENTITLED AN ACT TO ALLOW LAW ENFORCEMENT OFFICERS WHO ARE MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OR THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO RETIRE WITH UNREDUCED BENEFITS AFTER COMPLETING TWENTY-FIVE YEARS OF SERVICE.

Senator Hoyle, Senator Kerr, Senator Kinnaird, Senator Lucas, Senator Smith and Senator Thomas request to be added as a sponsor of previously introduced legislation:

S.B. 56, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY PENSION FOR MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

Upon motion of Senator Basnight, seconded by Senator Thomas, the Senate adjourns at 2:38 P.M. to meet tomorrow, Wednesday, February 19, at 2:00 P.M.

THIRTEENTH DAY

Senate Chamber
Wednesday, February 19, 2003

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:

"All knowing God, someone has said that 'Law is order and good law is good order.' We understand that it will be impossible to please everyone with the laws being written during this session.

"For some, a certain law will be a fence of confinement, for others that same law will act as a protector with a fence-gate to freedom. It's always a matter of perspective.

"Give these, your servants, wise and Godly perspective that they may enact good laws in the days ahead. Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, February 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 privileges of the floor to Dr. Robert A. Dilozeno from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day.

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 41, Suspension of Rules and Regulations Limiting the Hours Operators of Commercial Vehicles May Drive.

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 Dalton:

S.B. 89, A BILL TO BE ENTITLED AN ACT RELATING TO THE 46TH SENATORIAL DISTRICT.

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

February 19, 2003

By Senator Dalton:

S.B. 90, A BILL TO BE ENTITLED AN ACT RELATING TO THE 46TH SENATORIAL DISTRICT.

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

By Senator Dalton:

S.B. 91, A BILL TO BE ENTITLED AN ACT RELATING TO THE 46TH SENATORIAL DISTRICT.

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

By Senator Garrou:

S.B. 92, A BILL TO BE ENTITLED AN ACT RELATING TO THE 32ND SENATORIAL DISTRICT.

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

By Senator Gulley:

S.B. 93, 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 Senators Purcell; Albertson, Allran, Ballantine, Bingham, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Holloman, Horton, Hoyle, Kinnaird, Lucas, Malone, Metcalf, Moore, Queen, Rand, Reeves, Sloan, Swindell, Thomas and Weinstein:

S.B. 94, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR OSTEOPOROSIS AWARENESS AND EDUCATION ACTIVITIES.

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

By Senators Purcell; Albertson, Allran, Ballantine, Bingham, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Holloman, Horton, Hoyle, Kinnaird, Lucas, Malone, Metcalf, Moore, Queen, Rand, Reeves, Sloan, Swindell, Thomas and Weinstein:

S.B. 95, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE FOLIC ACID CAMPAIGN.

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

By Senators Tillman; Allran, Apodaca, Ballantine, Berger, Bingham, Blake, Brock, Carpenter, Forrester, Foxx, Garwood, Hartsell, Moore, Shubert, Sloan and Stevens:

S.B. 96, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A "CHOOSE LIFE" SPECIAL LICENSE PLATE.

Referred to **Finance Committee**.

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

S.B. 97, 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 Shaw, Dannelly, Dorsett, Lucas, Holloman and Malone:

S.J.R. 98, A JOINT RESOLUTION HONORING BOOKER T. WASHINGTON, FOUNDER OF THE TUSKEGEE INSTITUTE; HONORING THE INSTITUTE'S MOST RENOWNED FACULTY MEMBER, GEORGE WASHINGTON CARVER; AND SALUTING TOM JOYNER, AN ALUMNUS OF TUSKEGEE INSTITUTE, ALONG WITH THE TOM JOYNER FOUNDATION, FOR FUND-RAISING EFFORTS TO BENEFIT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

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

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

S.B. 99, A BILL TO BE ENTITLED AN ACT TO ADOPT THE STREAMLINED SALES TAX CHANGES.

Referred to **Finance Committee**.

By Senators Kerr, Clodfelter, Dalton, Hartsell, Hoyle; Foxx and Albertson:

S.B. 100, A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY IN STATE GOVERNMENT BY ALLOWING A SALES AND USE TAX EXEMPTION FOR STATE AGENCIES INSTEAD OF A SALES AND USE TAX REFUND TO STATE AGENCIES.

Referred to **Finance Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
February 18, 2003

Madame President:

It is ordered that a message be sent to the Senate informing your Honorable Body that the House of Representatives is organized and is now ready to proceed with the public business and has elected the following officers:

Speaker: James B. Black
Speaker: Richard T. Morgan
Principal Clerk: Denise G. Weeks

And pursuant to House Rules 45 and 47, respectively, Speaker Morgan has appointed:

Sergeant-at-Arms: Robert R. Samuels
Chaplain: Jim Lambeth

Further be advised that the House has been notified of the election of the following party officers:

Republican Leader: Joe Kiser

February 19, 2003

Republican Whip: Trudi Walend
Republican Freshmen Chair: John Sauls
Democratic Leader: Joe Hackney
Democratic Whips: Beverly M. Earle
 R. Phillip Haire
 Paul Miller
 Marian N. McLawhorn
Permanent Caucus Chair: Edd Nye
Democratic Freshmen Chair: Rick Glazier

Respectfully,
S\Denise Weeks
Principal Clerk

CALENDAR

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

S.B. 3 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS AND TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR ORGANIZATION.

The Committee Substitute bill passes its third reading by a three-fifths majority vote, ayes 44, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

Voting in the negative: Senators Shubert and Webster—2.

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

Upon motion of Senator Basnight, seconded by Senator Albertson, the Senate adjourns at 2:22 P.M. to meet tomorrow, Thursday, February 20, at 9:30 A.M.

FOURTEENTH DAY

Senate Chamber
Thursday, February 20, 2003

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:

"Gracious God, one of the most descriptive terms that my grandfather ever taught me was when after asking me an embarrassing question he looked at me and said, 'Son, you're grinning like a mule eating briars.'

"I was reminded of that term last week when visiting former Commissioner Jim Graham. He is ill, but doing all he can to get better. He always asks about the Senators and the Senate and what's going on.

"I said, 'Commissioner, is there a prayer that you would like me to offer in your behalf to the Senate?' He thought for a few seconds then that grin I described came across his face and he said, 'Pray this prayer, Mike. Father, forgive us for sometimes we know not what we do.' Then he laughed. That was the Commissioner's way of passing on a blessing because sometimes our greatest progress occurs at the point at which we admit our limitations. Amen."

The Chair grants leaves of absence for today to Senator Carpenter, Senator Hargett and Senator Sloan.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, February 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 Pro Tempore of the Senate extends privileges of the floor to Dr. Erik C. Summers 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.

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. 29, A BILL TO BE ENTITLED AN ACT TO EXTEND THE EFFECTIVE DATE OF THE EXEMPTION GIVEN TO RETAILERS UNDER THE LAWS REGULATING PLUMBING AND HEATING CONTRACTORS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15051, is adopted and engrossed.

Upon motion of Senator Dannelly, seconded by Senator Rucho, the Senate adjourns subject to introduction of bills, to meet Monday, February 24, at 7:30 P.M.

INTRODUCTION OF BILLS

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

February 20, 2003

By Senator Horton:

S.B. 101, A BILL TO BE ENTITLED AN ACT RELATING TO THE 31ST SENATORIAL DISTRICT.

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

By Senator Garwood:

S.B. 102, A BILL TO BE ENTITLED AN ACT RELATING TO THE 30TH SENATORIAL DISTRICT.

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

By Senator Garwood:

S.B. 103, A BILL TO BE ENTITLED AN ACT RELATING TO THE 30TH SENATORIAL DISTRICT.

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

By Senator Garwood:

S.B. 104, A BILL TO BE ENTITLED AN ACT RELATING TO THE 30TH SENATORIAL DISTRICT.

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

By Senator Garwood:

S.B. 105, A BILL TO BE ENTITLED AN ACT RELATING TO THE 30TH SENATORIAL DISTRICT.

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

By Senator Holloman:

S.B. 106, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS.

Referred to **Finance Committee**.

By Senator Carpenter:

S.B. 107, A BILL TO BE ENTITLED AN ACT PROHIBITING AN INSURER FROM AUTHORIZING OR REQUIRING THE USE OF NONORIGINAL CRASH REPAIR PARTS OR NONORIGINAL AUTO GLASS FOR MOTOR VEHICLE REPAIRS WITHOUT THE WRITTEN CONSENT FROM THE INSURED OR CLAIMANT.

Referred to **Commerce Committee**.

By Senator Carpenter:

S.B. 108, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE AUTOMOBILE INSURANCE COMPREHENSIVE DEDUCTIBLE ON MOTOR VEHICLE WINDSHIELD GLASS.

Referred to **Commerce Committee**.

By Senator Carpenter:

S.B. 109, A BILL TO BE ENTITLED AN ACT TO PROHIBIT COUPONING OR WAIVING OF DEDUCTIBLES IN MOTOR VEHICLE GLASS REPAIRS AND AUTOMOTIVE COLLISION REPAIR.

Referred to **Commerce Committee**.

By Senator Jenkins:

S.B. 110, A BILL TO BE ENTITLED AN ACT RELATING TO THE 3RD SENATORIAL DISTRICT.

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

By Senator Jenkins:

S.B. 111, A BILL TO BE ENTITLED AN ACT RELATING TO THE 3RD SENATORIAL DISTRICT.

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

By Senator Jenkins:

S.B. 112, A BILL TO BE ENTITLED AN ACT RELATING TO THE 3RD SENATORIAL DISTRICT.

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

By Senators Dalton and Jenkins:

S.B. 113, A BILL TO BE ENTITLED AN ACT TO PROMOTE ECONOMIC DEVELOPMENT.

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

By Senators Dalton and Jenkins:

S.B. 114, A BILL TO BE ENTITLED AN ACT TO PROMOTE ECONOMIC DEVELOPMENT.

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

By Senators Dalton and Jenkins:

S.B. 115, A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT.

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

By Senators Reeves; Hartsell, Holloman, Moore, Stevens, Swindell and Thomas:

S.B. 116, A BILL TO BE ENTITLED AN ACT TO WAIVE THE CONCEALED HANDGUN PERMIT FEES FOR QUALIFIED FORMER SWORN LAW ENFORCEMENT OFFICERS.

Referred to **Finance Committee**.

By Senators Apodaca; Allran, Carpenter, Dalton, Forrester, Foxx, Garwood, Hargett, Horton, Metcalf, Rand, Smith and Thomas:

S.B. 117, A BILL TO BE ENTITLED AN ACT TO NAME THE WESTERN JUSTICE ACADEMY IN HONOR OF REPRESENTATIVE LARRY T. JUSTUS.

Referred to **Judiciary II Committee**.

By Senators Queen, Carpenter, Metcalf, Foxx, Dalton, Apodaca, Garwood; Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carrington, Clodfelter, Dannelly, Dorsett, Forrester, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein:

S.B. 118, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE

DIVISION OF MOTOR VEHICLES TO ISSUE A BLUE RIDGE PARKWAY FOUNDATION SPECIAL REGISTRATION PLATE.

Referred to **Finance Committee**.

By Senator Horton:

S.B. 119, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Horton:

S.B. 120, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Dorsett:

S.B. 121, A BILL TO BE ENTITLED AN ACT RELATING TO THE 28TH SENATORIAL DISTRICT.

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

By Senator Hoyle:

S.B. 122, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE TOWN OF RANLO.

Referred to **Finance Committee**.

ADDITIONAL SPONSOR

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

S.B. 117, A BILL TO BE ENTITLED AN ACT TO NAME THE WESTERN JUSTICE ACADEMY IN HONOR OF REPRESENTATIVE LARRY T. JUSTUS.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 9:48 A.M.

FIFTEENTH DAY

Senate Chamber
Monday, February 24, 2003

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

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

“Our Father, as we begin a new week in the Senate, no doubt a high priority is being placed on what will be accomplished.

“The world judges us on what we accomplish.

“But through your eyes, O God, it is not so much what we accomplish but what we overcome that really matters.

“Help us to be overcomers this week in all we do, then we shall experience successes that truly make a difference. For your sake we pray, Amen.”

The Chair grants leaves of absence for tonight to Senator Allran, Senator Gulley and Senator Hoyle.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, February 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. Christopher H. Hunt from Winston-Salem, 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.

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 Rand:

S.J.R. 138, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES.

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 (46-0) and third readings and is ordered sent to the House of Representatives by special message.

CALENDAR

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

S.B. 29 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE EFFECTIVE DATE OF THE EXEMPTION GIVEN TO RETAILERS UNDER THE LAWS REGULATING PLUMBING AND HEATING CONTRACTORS.

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

WITHDRAWAL FROM COMMITTEE

S.J.R. 98, A JOINT RESOLUTION HONORING BOOKER T. WASHINGTON,

February 24, 2003

FOUNDER OF THE TUSKEGEE INSTITUTE; HONORING THE INSTITUTE'S MOST RENOWNED FACULTY MEMBER, GEORGE WASHINGTON CARVER; AND SALUTING TOM JOYNER, AN ALUMNUS OF TUSKEGEE INSTITUTE, ALONG WITH THE TOM JOYNER FOUNDATION, FOR FUND-RAISING EFFORTS TO BENEFIT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, referred to the **Rules and Operations of the Senate Committee** on Wednesday, February 19.

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, February 27, 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, February 27.

PERSONAL PRIVILEGE

With unanimous consent, upon motion of Senator Foxx, the remarks of Senator Basnight, Senator Dannelly, Senator Dorsett, Senator Lucas, Senator Malone and Senator Rand who rise to points of personal privilege commemorating 'Black History Month' are spread upon the Journal, as follows:

Senator Lucas:

“Madame President, President *Pro Tempore* and members of the Senate, this upcoming Friday on February 28 the month set aside in the United States to recognize and honor the accomplishments and contributions of blacks, the contributions which they've made in American history, will come to an end this Friday and so we would be remiss as members of this great Body not to acknowledge Black History Month and pay homage to the outstanding African Americans who helped pave the way for our State to shine as a symbol of freedom, justice, and equality. While I'm standing I would just like to call the names of four of our Senators who are no longer with us who are African Americans. I remember Luther Jordan, Howard Lee, Bill Martin, and Frank Ballance. I would just like to lift their names up this evening. The recognition of black history serves as a sort of balm of gilead. It's a reminder that the souls of black people help to make up this nation and they were here even before their resiliency and their faith were created long before the Mayflower. Those persons were determined to have a quest for justice, liberty, and equality. It's like moving from slavery to freedom. Also, I'd like for you to know that North Carolina is a State with a proud history. When we look at the Wright Brothers and we look at our flagship universities we also think about those who have blazed the trail for this great State but we know that Judge Henry Frye became the first African American to sit on the highest judicial branch of our State, the Supreme Court. We talk about Thomas Day, a free black man who lived in the decades before the civil rights and carved the way for furniture in North Carolina. You know that he was a great furniture maker. Then Dr. James Shepard, who was the founder of the University from where I graduated and I would like for his name to be recorded this evening because he felt that if we looked at higher education we knew that that would be an opportunity to eradicate slavery and give African Americans a level of freedom. Also, Hiram Revels who was born a free man in 1822 in Fayetteville, Senator Shaw, became the first black US Senator to make room at the table for others to follow in debating and

deciding the laws that would govern our land. And then the Black Division under the command of Major General Charles Paine, who participated in Fort Fisher located in North Carolina. He helped close the Confederates last major port during the Civil War. There's so much I could talk about this evening, but I would like to lift up the name of my mom, Nannie Cricket Day, who only had a third grade education but she was the maid for the President of Duke University and she felt that her daughter should have an education and it's because of that today I have an education and can stand here this evening to proclaim to you that there were many who made it possible for us this evening. The list goes on. From those who will forever be remembered among the first and those still stand tall and who are proud of North Carolina, we owe them a debt because they inspired us and they contributed a great deal to the wealth and spirit of our great State. So this evening I just lift their names up and in closing I just think about Maya Angelou who resides in our State and has made us extremely proud. Thank you Madame President."

Senator Rand:

"I was thinking when Senator Lucas was talking about that that I would, of course, Mr. Justice Frye served in this Body also, but we should never forget Reverend Dr. C. R. Edwards who was a member of this Body who was from Cumberland County and was a great friend. He married me, he married both my boys. I certainly want to, I think that's pretty important, so I just wanted to throw that in. Thank you."

Senator Dorsett:

"I want to honor, to recognize, honor, and applaud two outstanding African Americans who have ties to North Carolina and Guilford County, John Coltrane and Dr. Johnetta Cole. John Coltrane, a jazz saxophonist and composer, was a musical genius. He was born in Hamlet, North Carolina but he grew up in High Point, North Carolina and he was educated in the public schools of High Point. Mr. Coltrane did much to popularize the soprano saxophone among jazz musicians. Among his many recordings was a ballad album with Duke Ellington. He performed with many greats. His trademark was his unique sound which spoke to his relentless search for perfection, and yet his music was compellingly passionate and alive. He died in 1967. Mr. Coltrane gave us much in terms of his contributions and because of that the new performing arts edition at the Penn Griffin School in High Point will be named the John Coltrane Hall of Music and Dance. Let me also mention another outstanding, distinguished African American, a noted anthropologist, Dr. Johnetta Cole. She's also an educator and is well known throughout the country. Dr. Cole was born in Jacksonville, Florida, but she lived most recently in Atlanta, Georgia. She is not a native North Carolinian, but she adopted North Carolina when she came to Bennett College and served as its President in the last few months. Dr. Cole is a noted author and editor of both academic and popular works. Her academic career includes ten years as President of Spelman College and she brought that college to financial solvency. She also served as professor and administrator at Emory University. Dr. Cole serves on many community, civic, and corporate boards. She has received forty-seven honorary degrees from colleges and universities including Princeton and Yale. We are grateful to Dr. Cole for coming out of retirement to serve as President of Bennett College where we know she can affect remarkable turnaround at that institution. Mr. Coltrane and Dr. Cole are just two examples of our most influential African Americans and so tonight we salute John Coltrane and Dr. Johnetta Cole. Thank you."

February 24, 2003

Senator Malone:

“I want to join my African American colleagues in recognizing the rich African American heritage. We have to do this because history, historians, have not been very kind when it comes to recording some of the things that African Americans have done. I want to call your attention to the fact that ten blocks south of where we sit is the campus of the historic Shaw University and I will remind you that at one time it was truly a university because it had a law school, medicine, dentistry, ministry, and liberal arts. On their campus stands Estey Hall, which is the oldest dormitory for African American women in the country. It is now under renovation and about eighty percent complete, bringing it back to its natural state. One other point I'll make is the fact that four of the institutions of higher learning in the North Carolina System were founded by graduates of Shaw University. North Carolina Central, which Senator Lucas referenced, was founded by a graduate of Shaw University, as was Fayetteville State, Elizabeth City, and A&T State University. Had there been no Shaw, there probably would have been no A&T and the other schools. I would say finally, Senator Lucas, I have to say these were all men. I'm sorry there were no women in this group. Thank you Madame President.”

Lieutenant Governor Perdue:

“Thank you Senator Malone. Thank God some things have changed.”

Senator Dannelly:

“Thank you Madame President. Those of us that know Senator Lee we know that in his spare time he likes to write and if he were here this evening he would share one of his poems with us and I'm going to share one of Senator Lee's poems with us. It is entitled ‘The African American's Journey’ by Howard Lee.

‘I symbolize African Americans who've traveled far,
 Who had to walk, who couldn't afford a car,
 Who bore the whip, the torture and pain,
 Who was called nigger instead of by name,
 Who tilled the soil while the master slept,
 Who took meals at the back door steps,
 Who were forced to live in shacks out back,
 Simply because his skin was black,
 Who survived oppression of yesteryears,
 Still able to laugh while shedding tears.
 I symbolize African Americans who pledge allegiance to the country true,
 Who fought to protect the red, white, and blue,
 Who fought to preserve freedom and safeguard peace,
 Who volunteered and sacrificed to defend democracy,
 Who have worked hard and given their best,
 Who have become enlightened and met the test,
 Who continue to struggle to gain equal rights,
 Who on the backs of ancestors have reached great heights,
 Who have finally prepared to take their stand,
 As first class citizens in America, their homeland.
 Yes, I symbolize African Americans who have traveled far,
 Who are no longer walking, they own a car.
 The whip is gone and so is yesteryear's pain,

No longer called nigger, but instead by name.
Who do not till the soil much anymore,
Who now take meals through the front door.
Some discrimination of the past is still around,
But who are too busy achieving to be kept down,
Who have not yet gained full equality,
Yet continues to strive, determined to be free.'

Lieutenant Governor Perdue:

"Thank you Senator Dannelly. Again, thank God things have changed."

Senator Basnight:

"Madame President, members of the Senate, this brings back our past when we listen to our fellow Senators, the African American Senators in our Body, tell us about some of the history, and as you said it is our pages who are listening and who will try to better understand those turbulent times, a disappointing time, an awful time, a pure stain on what we were as a people at one time, to enslave people and to utilize them to our advantage such as we did, or some of us did before us. But to have an understanding of our history and better understand it than we have is very important. I used to tell Senator Ralph Hunt who sat in the back next to me that I was very proud of the fact that where I lived there was no slavery on Roanoke Island, but I didn't realize that much of our history had been hidden, or hadn't been shown to me, or I didn't understand it, but there was. It was a different form of slavery. You would work for nothing except for whatever the master asked you to do and what he was willing to give. Maybe you were a free slave, but it seems like that is a bit punitive. That you were to do what he or she or others tell you to do on a regular basis and the punishment is that you don't eat, you have no place to stay. We had what we call the Freedmen's Colony on Roanoke Island and I knew little about the Freedmen's Colony until Rolf Blizzard gave me a book, a book on a General who was in the Union and he was Burnside, General Burnside, Senator Horton, who came to Roanoke Island with fifteen thousand Union soldiers and he captured Fort Hatteras and Ocracoke, and eventually Roanoke Island and then Elizabeth City, Edenton, and New Bern and controlled the coastal Carolina shoreline with the exception of Wilmington, Senator Ballantine, for the earlier years and the later years of the Civil War. And it was Roanoke Island where the Freedmen's Colony was established as well as New Bern, Senator Perdue. But to listen to the hardships and the descriptions of what they lived under and how they lived and how the government tried to assist and was unable, or unwilling, to do the rightful thing by these people. The starvation and the torture that we applied as a people, these are things I did not know, and I'm sure you've read. I'm not educated and you're well trained in the history of our State and its past. But they were awful times and these are times we need to understand so they are never repeated again in history, and history can never write those kinds of stories. So yes, it's special that we have Black History Week and that we talk about it and we understand these famous people. You didn't mention, no one mentioned, and you couldn't have mentioned the lengthy number of names that could be used that have made North Carolina a fairer and greater and better place, but Richard Etheridge was one of those people. He tended a life-saving station on Pea Island on the Outer Banks between Nags Head and Rodanthe, if you want your geography in place. It was there that he saved the lives of people regardless of their color. It was an all black station.

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He resides now on Roanoke Island at our Aquarium and you can see his tombstone. It is very simple, but he was a heroic man and there are many such as he. The family still resides on Roanoke Island, as do the Tillets and the Collins and others. These are the remnants of the proud, wonderful people that were taken from their homeland to use for our betterment, for the betterment of the white people who lived a wrong life at that time.”

Upon motion of Senator Basnight, seconded by Senator Hagan, the Senate adjourns subject to introduction of bills, to meet tomorrow, Tuesday, February 25, at 2:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Weinstein:

S.B. 123, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF LUMBERTON TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senator Weinstein:

S.B. 124, A BILL TO BE ENTITLED AN ACT RELATING TO THE 13TH SENATORIAL DISTRICT.

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

By Senator Weinstein:

S.B. 125, A BILL TO BE ENTITLED AN ACT RELATING TO THE 13TH SENATORIAL DISTRICT.

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

By Senator Weinstein:

S.B. 126, A BILL TO BE ENTITLED AN ACT RELATING TO THE 13TH SENATORIAL DISTRICT.

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

By Senator Dorsett:

S.B. 127, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF HIGH POINT.

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

By Senator Dorsett:

S.B. 128, A BILL TO BE ENTITLED AN ACT RELATING TO THE UNINCORPORATED PORTION OF THE 28TH SENATORIAL DISTRICT.

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

By Senator Queen:

S.B. 129, A BILL TO BE ENTITLED AN ACT RELATING TO THE 47TH SENATORIAL DISTRICT.

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

By Senator Queen:

S.B. 130, A BILL TO BE ENTITLED AN ACT RELATING TO THE 47TH SENATORIAL DISTRICT.

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

By Senator Queen:

S.B. 131, A BILL TO BE ENTITLED AN ACT RELATING TO THE 47TH SENATORIAL DISTRICT.

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

By Senator Queen:

S.B. 132, A BILL TO BE ENTITLED AN ACT RELATING TO THE 47TH SENATORIAL DISTRICT.

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

By Senator Queen:

S.B. 133, A BILL TO BE ENTITLED AN ACT RELATING TO THE 47TH SENATORIAL DISTRICT.

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

By Senator Queen:

S.B. 134, A BILL TO BE ENTITLED AN ACT RELATING TO THE 47TH SENATORIAL DISTRICT.

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

By Senators Reeves, Hagan and Ballantine:

S.B. 135, A BILL TO BE ENTITLED AN ACT MODIFYING THE FELONY AND MISDEMEANOR OFFENSES RELATED TO CONDUCTING CERTAIN UNAUTHORIZED SOUND AND VIDEO RECORDINGS AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON INFORMATION TECHNOLOGY.

Referred to **Judiciary II Committee**.

By Senator Clodfelter:

S.B. 136, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW GOVERNING DISSENTERS' RIGHTS WITH REGARD TO MAJORITY CONSENT ACTION.

Referred to **Judiciary I Committee**.

By Senators Clodfelter; Carpenter, Dannelly, Reeves and Stevens:

S.B. 137, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MUNICIPAL SERVICE DISTRICTS FOR TRANSIT-ORIENTED DEVELOPMENT AND TO AUTHORIZE CITIES TO USE SPECIAL OBLIGATION FINANCING FOR PROJECTS WITHIN MUNICIPAL SERVICE DISTRICTS.

Referred to **Finance Committee**.

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By Senators Berger, Bingham, Dorsett and Hagan:

S.B. 139, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A PROGRAM FOR COLLECTION OF WORTHLESS CHECKS IN GUILFORD COUNTY.

Referred to **State Government, Local Government, and Veterans' Affairs Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Horton; Albertson, Allran, Apodaca, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hartsell, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Rand, Reeves, Rucho, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein:

S.B. 140, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE PROTECTION OF NORTH CAROLINA'S HISTORIC MONUMENTS AND MEMORIALS.

Referred to **Judiciary I Committee**.

By Senators Rand; Albertson, Allran, Apodaca, Dannelly, Dorsett, Foxx, Garwood, Gulley, Hargett, Hartsell, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Purcell, Queen, Shaw, Shubert, Smith, Soles, Swindell, Thomas, Tillman and Weinstein:

S.B. 141, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE SUPPLEMENTAL FUNDING FOR LOW-WEALTH SCHOOL SYSTEMS.

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

By Senators Forrester, Purcell; Allran, Apodaca, Ballantine, Bingham, Blake, Carpenter, Dannelly, Dorsett, Foxx, Garwood, Gulley, Hartsell, Holloman, Hoyle, Kinnaird, Lucas, Pittenger, Rucho and Shubert:

S.J.R. 142, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE NURSING SHORTAGE.

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

By Senators Forrester, Purcell; Allran, Apodaca, Ballantine, Bingham, Blake, Carpenter, Dannelly, Dorsett, Foxx, Garwood, Gulley, Hartsell, Holloman, Hoyle, Kinnaird, Lucas, Pittenger and Rucho:

S.J.R. 143, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE KNOWN ENVIRONMENTAL CAUSES AND TRIGGERS OF CANCER.

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

By Senators Forrester, Purcell; Allran, Blake, Carpenter, Garwood and Sloan:

S.B. 144, A BILL TO BE ENTITLED AN ACT TO CHANGE THE PENALTY FOR THE UNAUTHORIZED PRACTICE OF MEDICINE FROM A MISDEMEANOR TO A FELONY.

Referred to **Judiciary I Committee**.

By Senators Forrester, Purcell; Allran, Bingham, Blake, Carpenter, Garwood, Shubert and Sloan:

S.B. 145, A BILL TO BE ENTITLED AN ACT REQUIRING THE NORTH CAROLINA MEDICAL BOARD TO IMPLEMENT POLICIES TO TRAIN AND EDUCATE PERSONS LICENSED TO PRACTICE OR PERSONS DESIRING TO PRACTICE MEDICINE IN THIS STATE ON ISSUES RELATED TO PHYSICIAN-ASSISTED SUICIDE AND CREATING THE CRIMINAL OFFENSE OF PHYSICIAN-ASSISTED SUICIDE.

Referred to **Judiciary I Committee**.

By Senator Blake:

S.B. 146, A BILL TO BE ENTITLED AN ACT RELATING TO THE 22ND SENATORIAL DISTRICT.

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

By Senator Blake:

S.B. 147, A BILL TO BE ENTITLED AN ACT RELATING TO THE 22ND SENATORIAL DISTRICT.

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

By Senator Blake:

S.B. 148, A BILL TO BE ENTITLED AN ACT RELATING TO THE 22ND SENATORIAL DISTRICT.

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

By Senator Kinnaird:

S.B. 149, A BILL TO BE ENTITLED AN ACT RELATING TO THE 23RD SENATORIAL DISTRICT.

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

By Senator Kinnaird:

S.B. 150, A BILL TO BE ENTITLED AN ACT RELATING TO THE 23RD SENATORIAL DISTRICT.

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

By Senator Kinnaird:

S.B. 151, A BILL TO BE ENTITLED AN ACT RELATING TO THE 23RD SENATORIAL DISTRICT.

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

By Senator Kinnaird:

S.B. 152, A BILL TO BE ENTITLED AN ACT RELATING TO THE 23RD SENATORIAL DISTRICT.

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

By Senators Rand; Reeves and Shubert:

S.B. 153, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT STATE EMPLOYEES WHO VOLUNTEER FOR VACCINATION AGAINST SMALLPOX INCIDENT TO THE ADMINISTRATION OF SMALLPOX

COUNTERMEASURES BY HEALTH PROFESSIONALS UNDER SECTION 304 OF THE FEDERAL HOMELAND SECURITY ACT OF 2002 AND ANY FAMILY MEMBERS LIVING IN THE HOMES OF THESE VACCINATED EMPLOYEES WILL BE ABLE TO RECOVER FOR ANY ADVERSE MEDICAL REACTIONS DUE TO THE VACCINATION.

Referred to **Judiciary I Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 8:14 P.M.

SIXTEENTH DAY

Senate Chamber
Tuesday, February 25, 2003

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:

“When the Psalmist wrote, 'Search me, O God, and know my heart; test me and know my thoughts. Then lead me in the way everlasting.', he gave us an eternal insight into life in relationship to you.

“What lies behind us and what lies before us are small matters compared to what lies within us. Amen.”

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

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Monday, February 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. Jesse H. Meredith from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day, and to Paula Bird from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

SENATE PAGES

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

Samantha Paige Autry, Fayetteville; Lamar Crawford, Raeford; Alicia Marie Davis, Wake Forest; Tucker Jacomet, Kitty Hawk; Joshua Jacomet, Kitty Hawk; Carson Jernigan, State Road; Benjamin Makla, Waxhaw; Ronda Lytrell McNeill, Fayetteville; Raymond Eric Paynter, Cary; Jody Nicole Shearin, Louisburg; William Southerland, Waxhaw; Kimberly Lauren Stewart, Louisburg; and Kendra Nicole Sumler, Raeford.

Upon motion of Senator Dannelly, seconded by Senator Kinnaird, the Senate adjourns subject to introduction of bills, to meet tomorrow, Wednesday, February 26, at 2:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Soles:

S.B. 154, A BILL TO BE ENTITLED AN ACT RELATING TO THE 8TH SENATORIAL DISTRICT.

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

By Senator Soles:

S.B. 155, A BILL TO BE ENTITLED AN ACT RELATING TO THE 8TH SENATORIAL DISTRICT.

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

By Senator Soles:

S.B. 156, A BILL TO BE ENTITLED AN ACT RELATING TO THE 8TH SENATORIAL DISTRICT.

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

By Senator Soles:

S.B. 157, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BRUNSWICK.

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

By Senator Soles:

S.B. 158, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF PENDER.

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

By Senator Soles:

S.B. 159, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF COLUMBUS.

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

By Senators Clodfelter; Dannelly, Gulley, Hartsell, Horton, Kinnaird, Malone, Reeves and Stevens:

S.B. 160, A BILL TO BE ENTITLED AN ACT TO CLARIFY EXISTING DELEGATIONS OF AUTHORITY TO COUNTIES, CITIES, AND BOARDS OF HEALTH AND TO CONFIRM FLEXIBILITY IN THE EXECUTION OF THOSE DELEGATED AUTHORITIES.

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

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By Senator Clodfelter:

S.B. 161, A BILL TO BE ENTITLED AN ACT TO RESTRICT COURT-ORDERED NONBINDING ARBITRATION TO DISTRICT COURT ACTIONS IN WHICH CLAIMS DO NOT EXCEED TEN THOUSAND DOLLARS.

Referred to **Judiciary I Committee**.

By Senator Rand:

S.B. 162, A BILL TO BE ENTITLED AN ACT TO REPEAL THE FAYETTEVILLE FIREMEN'S SUPPLEMENTAL RETIREMENT BENEFIT FUND.

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

By Senator Albertson:

S.B. 163, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL LICENCE PLATE FOR PROFESSIONAL PARAMEDICS.

Referred to **Finance Committee**.

By Senator Albertson:

S.B. 164, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HARNETT.

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

By Senator Albertson:

S.B. 165, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF SAMPSON.

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

By Senator Albertson:

S.B. 166, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DUPLIN.

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

By Senator Smith:

S.B. 167, A BILL TO BE ENTITLED AN ACT RELATING TO THE 12TH SENATORIAL DISTRICT.

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

By Senator Smith:

S.B. 168, A BILL TO BE ENTITLED AN ACT RELATING TO THE 12TH SENATORIAL DISTRICT.

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

By Senator Smith:

S.B. 169, A BILL TO BE ENTITLED AN ACT RELATING TO THE 12TH SENATORIAL DISTRICT.

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

By Senator Smith:

S.B. 170, A BILL TO BE ENTITLED AN ACT RELATING TO THE 12TH SENATORIAL DISTRICT.

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

By Senators Rand; Albertson, Basnight, Berger, Bingham, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Holloman, Horton, Jenkins, Kerr, Lucas, Malone, Metcalf, Moore, Purcell, Reeves, Rucho, Shubert, Smith, Soles, Stevens, Swindell, Thomas and Weinstein:

S.J.R. 171, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HARLAN E. BOYLES, FORMER STATE TREASURER.

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

By Senators Sloan; Apodaca, Berger, Bingham, Blake, Brock, Carrington, Clodfelter, Forrester, Foxx, Pittenger, Shubert and Tillman:

S.B. 172, A BILL TO BE ENTITLED AN ACT TO GIVE CERTAIN LOCAL BOARDS OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER.

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

By Senator Kinnaird:

S.B. 173, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ORANGE.

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

By Senators Lucas, Garwood and Metcalf:

S.R. 174, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

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

By Senators Lucas, Garwood and Metcalf:

S.B. 175, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING HIGHER EDUCATION.

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

By Senator Purcell:

S.B. 176, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

By Senator Purcell:

S.B. 177, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

By Senator Purcell:

S.B. 178, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 2:22 P.M.

SEVENTEENTH DAY

Senate Chamber
Wednesday, February 26, 2003

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

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

"Eternal God, we live in a stress-filled and dangerous world. Though you have blessed us greatly, many people in our State and in the world live inadequately. No one knows this better than the Senators, who daily make difficult decisions about laws that are intended to better serve North Carolina's people.

"Keep them courageous and diligent in that task.

"More importantly, O Lord, transform each of us as we play out our parts in making this world a safer and a fairer place in which to live. Let our lives become living prayers, authentic in word and deed, and witness to Your unfailing presence. In your Holy Name we pray, Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, February 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. Charles Boyette from Belhaven, North Carolina, who is serving the Senate as Doctor of the Day, and Trey Bradley, a medical student from Wake Forest University who is accompanying him.

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 45, Waiver of the Rules and Regulations Limiting the Hours of Operators of Certain Commercial Vehicles and the Weight Restrictions on Certain Vehicles.

INTRODUCTION OF BILLS

Bills and a resolution filed for introduction are presented to the Senate, read the

first time, and disposed of, as follows:

By Senator Tillman:

S.B. 179, A BILL TO BE ENTITLED AN ACT RELATING TO THE 29TH SENATORIAL DISTRICT.

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

By Senator Tillman:

S.B. 180, A BILL TO BE ENTITLED AN ACT RELATING TO THE 29TH SENATORIAL DISTRICT.

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

By Senator Stevens:

S.B. 181, A BILL TO BE ENTITLED AN ACT RELATING TO THE 17TH SENATORIAL DISTRICT.

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

By Senator Stevens:

S.B. 182, A BILL TO BE ENTITLED AN ACT RELATING TO THE 17TH SENATORIAL DISTRICT.

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

By Senator Stevens:

S.B. 183, A BILL TO BE ENTITLED AN ACT RELATING TO THE 17TH SENATORIAL DISTRICT.

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

By Senator Stevens:

S.B. 184, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF WAKE.

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

By Senator Stevens:

S.B. 185, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF WAKE.

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

By Senator Clodfelter:

S.B. 186, A BILL TO BE ENTITLED AN ACT RELATING TO THE 26TH JUDICIAL DISTRICT.

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

By Senator Clodfelter:

S.B. 187, A BILL TO BE ENTITLED AN ACT RELATING TO THE 26TH JUDICIAL DISTRICT.

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

By Senator Clodfelter:

S.B. 188, A BILL TO BE ENTITLED AN ACT RELATING TO THE

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CITY OF CHARLOTTE.

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

By Senator Clodfelter:

S.B. 189, 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. 190, 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. 191, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MECKLENBURG.

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

By Senator Clodfelter:

S.B. 192, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MECKLENBURG.

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

By Senator Clodfelter:

S.B. 193, A BILL TO BE ENTITLED AN ACT CONCERNING THE CHARLOTTE-MECKLENBURG SCHOOLS.

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

By Senator Clodfelter:

S.B. 194, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

By Senator Clodfelter:

S.B. 195, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

By Senator Clodfelter:

S.B. 196, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

By Senator Clodfelter:

S.B. 197, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Clodfelter:

S.B. 198, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Clodfelter:

S.B. 199, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Clodfelter:

S.B. 200, A BILL TO BE ENTITLED AN ACT TO AMEND THE REVENUE LAWS.

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

By Senator Clodfelter:

S.B. 201, A BILL TO BE ENTITLED AN ACT TO AMEND THE REVENUE LAWS.

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

By Senator Clodfelter:

S.B. 202, A BILL TO BE ENTITLED AN ACT TO AMEND THE REVENUE LAWS.

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

By Senators Holloman; and Moore:

S.B. 203, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF ROANOKE RAPIDS TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

Referred to **Finance Committee**.

By Senators Swindell and Purcell:

S.B. 204, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A PILOT PROJECT FOR LOCAL LONG-TERM CARE PLANNING.

Referred to **Health and Human Resources Committee**.

By Senators Swindell, Purcell; and Bingham:

S.B. 205, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR LABOR ENHANCEMENT PAYMENTS FOR NURSE AIDES IN NONINSTITUTIONAL SETTINGS.

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

By Senators Swindell, Purcell; Bingham and Thomas:

S.B. 206, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE IMPLEMENTATION OF A REMEDIATION PROGRAM FOR LONG-TERM CARE FACILITIES.

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

By Senators Gulley; and Hartsell:

S.B. 207, 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, AS RECOMMENDED BY THE NORTH CAROLINA SENTENCING

AND POLICY ADVISORY COMMISSION.

Referred to **Judiciary I Committee**.

By Senators Gulley; and Hartsell:

S.B. 208, 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, AS RECOMMENDED BY THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION.

Referred to **Judiciary I Committee**.

By Senators Gulley; and Hartsell:

S.B. 209, 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, AS RECOMMENDED BY THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION.

Referred to **Judiciary I Committee**.

By Senator Gulley:

S.B. 210, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT.

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

By Senator Gulley:

S.B. 211, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT.

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

By Senator Gulley:

S.B. 212, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT.

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

By Senator Gulley:

S.B. 213, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Gulley:

S.B. 214, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Gulley:

S.B. 215, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Gulley:

S.B. 216, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Gulley:

S.B. 217, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Gulley:

S.B. 218, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Dannelly; Bingham, Clodfelter, Dorsett, Foxx, Holloman, Hoyle, Kerr, Lucas, Malone, Metcalf, Moore, Purcell, Queen, Reeves and Soles:

S.B. 219, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR NORTH CAROLINA FOOD BANKS.
Referred to **Appropriations/Base Budget Committee**.

By Senators Horton; Allran, Bingham, Brock, Carpenter, Clodfelter, Dannelly, Forrester, Foxx, Garrou, Garwood, Hartsell, Kinnaird, Lucas, Metcalf, Queen, Rucho, Shaw, Soles and Weinstein:

S.B. 220, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STREAMLINED PROGRAM FOR PERMITTING THE MANAGEMENT OF WINERY WASTEWATER.
Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senators Lucas, Garwood and Metcalf:

S.B. 221, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC SCHOOL LAWS.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Lucas, Garwood and Metcalf:

S.B. 222, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC SCHOOL LAWS.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Lucas, Garwood and Metcalf:

S.B. 223, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC SCHOOL LAWS.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Lucas, Garwood and Metcalf:

S.B. 224, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO THE COMMUNITY COLLEGE SYSTEM.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Brock; Albertson, Apodaca, Berger, Bingham, Blake, Carpenter, Carrington, Clodfelter, Forrester, Garwood, Hargett, Hartsell, Horton, Kerr, Lucas,

February 26, 2003

Malone, Metcalf, Moore, Pittenger, Queen, Rucho, Shaw, Shubert, Sloan, Smith, Stevens, Tillman, Webster and Weinstein:

S.R. 225, A SENATE RESOLUTION EXPRESSING SUPPORT FOR THE ARMED SERVICES FIGHTING THE WAR AGAINST TERRORISM.

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

By Senators Purcell, Gulley; Albertson, Allran, Bingham, Blake, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Malone, Moore, Sloan and Weinstein:

S.B. 226, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ADMINISTRATION OF MEDICATION TO A CHILD IN A LICENSED OR UNLICENSED CHILD CARE FACILITY WITHOUT PROPER AUTHORIZATION FROM THE CHILD'S PARENT OR GUARDIAN OR A BONA FIDE MEDICAL CARE PROVIDER.

Referred to **Health and Human Resources Committee**.

By Senators Kerr; Holloman and Jenkins:

S.B. 227, A BILL TO BE ENTITLED AN ACT TO INCREASE FROM THREE TO FIVE THE NUMBER OF PRISONS THE STATE IS AUTHORIZED TO FINANCE BY LEASE PURCHASE.

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

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

S.B. 228, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A UNIFORM PROCEDURE FOR TAX REFUND CLAIMS.

Referred to **Finance Committee**.

By Senator Hartsell:

S.B. 229, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS TO CONFORM TO THE INCREASE IN THE NUMBER OF CONGRESSIONAL DISTRICTS IN THIS STATE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

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

By Senators Hartsell and Clodfelter:

S.B. 230, A BILL TO BE ENTITLED AN ACT TO ENACT REVISED ARTICLE 6 OF THE UNIFORM COMMERCIAL CODE, BULK SALES, AND CONFORMING AMENDMENTS TO OTHER ARTICLES OF THE UNIFORM COMMERCIAL CODE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Judiciary II Committee**.

By Senators Hartsell; Apodaca, Ballantine, Foxx, Hagan, Metcalf, Rand and Reeves:

S.B. 231, A BILL TO BE ENTITLED AN ACT TO GIVE CLASSROOM

EXPERIENCE TO PROFESSIONAL PUBLIC SCHOOL EMPLOYEES WHO ARE NOT CLASSROOM TEACHERS.

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

WITHDRAWAL FROM COMMITTEE

S.B. 145, A BILL TO BE ENTITLED AN ACT REQUIRING THE NORTH CAROLINA MEDICAL BOARD TO IMPLEMENT POLICIES TO TRAIN AND EDUCATE PERSONS LICENSED TO PRACTICE OR PERSONS DESIRING TO PRACTICE MEDICINE IN THIS STATE ON ISSUES RELATED TO PHYSICIAN-ASSISTED SUICIDE AND CREATING THE CRIMINAL OFFENSE OF PHYSICIAN-ASSISTED SUICIDE, referred to the **Judiciary I Committee** on February 24.

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

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

WITHDRAWAL FROM CLERK'S OFFICE

S.B. 9, A BILL TO BE ENTITLED AN ACT TO MODIFY MEDICAL MALPRACTICE ACTIONS BY ESTABLISHING A CAP ON THE AWARD FOR NONECONOMIC COMPENSATORY DAMAGES, BY AUTHORIZING THE PERIODIC PAYMENT OF FUTURE DAMAGES IN LIEU OF A LUMP-SUM PAYMENT, AND BY ESTABLISHING MAXIMUM LIMITS FOR ATTORNEYS' FEES THAT ARE TO BE PAID ON A CONTINGENCY FEE BASIS, ordered held in the Office of the Principal Clerk on February 6, pending referral to committee.

Senator Rand, Chairman of the **Rules and Operations of the Senate Committee**, announces the referral of the bill to the **Rules and Operations of the Senate Committee**.

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 Purcell for the **Health and Human Resources Committee**:

S.B. 2, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN APPLICANTS FOR DRIVERS LICENSES TO SUBMIT MEDICAL CERTIFICATES FROM OUT-OF-STATE PHYSICIANS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15071, is adopted and engrossed.

February 26, 2003

PERSONAL PRIVILEGE

With unanimous consent, Senator Smith requests that a letter to Members of Congress encouraging them to support a tobacco quota buyout plan be spread upon the journal for the record, as follows:



North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh 27601-2808

February 26, 2003

The Honorable Elizabeth Dole
The Honorable John Edwards
The Honorable Frank Ballance
The Honorable Bob Etheridge
The Honorable Walter B. Jones, Jr.
The Honorable David Price
The Honorable Richard Burr
The Honorable Howard Coble
The Honorable Mike McIntyre
The Honorable Robin Hayes
The Honorable Sue Myrick
The Honorable T. Cass Ballenger
The Honorable Charles H. Taylor
The Honorable Melvin L. Watt
The Honorable Brad Miller

Dear Member of Congress:

The system of growing and marketing burley and flue-cured tobacco currently in place in the United States faces many challenges and changes due to contracting, lawsuits, governmental regulation, and foreign competition. Quota owners, tobacco growers, and the tobacco industry agree that a transition from the current system is needed to ensure continued viability in tobacco production.

A plan of transition that is fair and equitable to all quota owners and tobacco growers is needed to provide stability, uniformity, and certainty for quota owners, growers, and the tobacco industry. Enabling family farmers and minority farmers both current and future to attain economic viability in rural communities is an important goal of

the State. A buyout of the quota owners and tobacco growers would provide a significant and needed economic stimulus over a period of time in the State of North Carolina during a time of economic distress. It is estimated that a buyout would pump \$6 billion into North Carolina's economy.

The North Carolina Senate urges the Congress of the United States and the President to support and enact legislation that would establish a fair and equitable transition program for quota owners and tobacco growers that would buy out quota owners and tobacco growers.

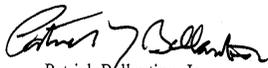
We, the undersigned members of the North Carolina Senate, request that you support and enact legislation to establish a tobacco quota buyout plan.

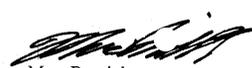
Sincerely,


Charles W. Albertson

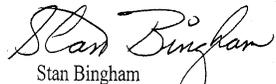

Austin M. Allran


Tom Apodaca


Patrick Ballantine, Jr.


Marc Basnight


Phillip Berger

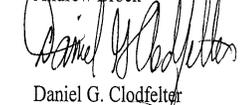

Stan Bingham


Harris Blake

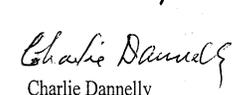

Andrew Brock


John H. Carrington

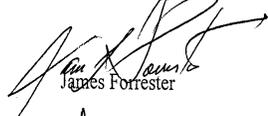

Robert C. Carpenter


Daniel G. Clodfelter


Walter H. Dalton


Charlie Dannelly


Katie Dorsett


James Forrester


Virginia Foxx


Linda Garrou


John A. Garwood

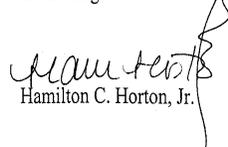

Wib Gulley

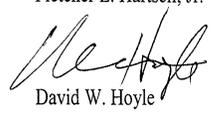

Kay R. Hagan

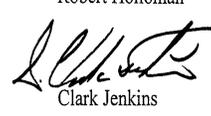

Cecil Hargett

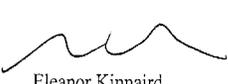
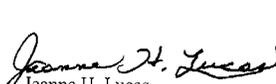
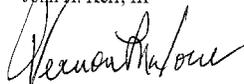
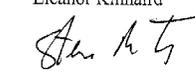
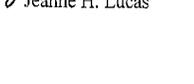
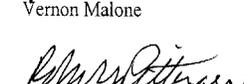
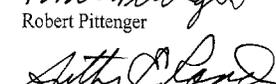
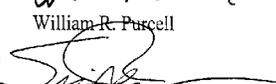
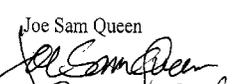
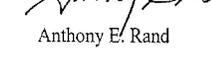
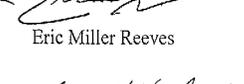
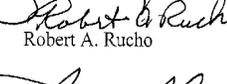
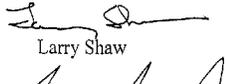
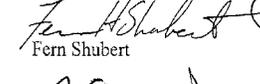
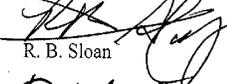
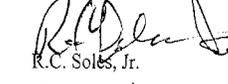

Fletcher L. Hartsell, Jr.


Robert Holloman


Hamilton C. Horton, Jr.


David W. Hoyle


Clark Jenkins

 John H. Kehr, III	 Eleanor Kinnaird	 Jeanne H. Lucas
 Vernon Malone	 Steve Metcalf	 Tony Moore
 Robert Pittenger	 William R. Purcell	 Joe Sam Queen
 Anthony E. Rand	 Eric Miller Reeves	 Robert A. Rucho
 Larry Shaw	 Fern Shubert	 R. B. Sloan
 Fred Smith	 R.C. Soles, Jr.	 Richard Stevens
 A.B. Swindell	 Scott Thomas	 Jerry Tillman
 Hugh Webster	 David F. Weinstein	

cc: The Honorable George W. Bush, President of the United States
 The Honorable Richard B. Cheney, Vice President of the United States
 The Honorable J. Denny Hastert, Speaker of the United States
 House of Representatives
 The Honorable Bill Frist, Majority Leader of the United States Senate

APPOINTMENT OF ESCORT COMMITTEE

The President recognizes Senator Basnight, President *Pro Tempore*, who appoints Senator Soles, Chairman; Senator Allran; Senator Carpenter; Senator Dannelly; Senator Hartsell; Senator Lucas; Senator Malone and Senator Rand as the Committee to escort The Honorable Michael F. Easley to the Joint Session of the General Assembly on Monday, March 3, 2003.

A message is ordered sent to the House informing that Honorable Body of the escort committee.

Upon motion of Senator Basnight, seconded by Senator Sloan, the Senate adjourns subject to ratification of bills, to meet tomorrow, Thursday, February 27, at 9:00 A.M.

ENROLLED BILLS

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

S.B. 8, AN ACT PROVIDING IMMEDIATE ELIGIBILITY FOR UNEMPLOYMENT BENEFITS TO INDIVIDUALS UNEMPLOYED DUE TO A MAJOR INDUSTRIAL DISASTER.

S.B. 29, AN ACT TO EXTEND THE EFFECTIVE DATE OF THE EXEMPTION GIVEN TO RETAILERS UNDER THE LAWS REGULATING PLUMBING AND HEATING CONTRACTORS.

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. 138, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES. (Res. 2)

REMOVAL OF BILL CO-SPONSOR

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

S.B. 144, A BILL TO BE ENTITLED AN ACT TO CHANGE THE PENALTY FOR THE UNAUTHORIZED PRACTICE OF MEDICINE FROM A MISDEMEANOR TO A FELONY.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:09 P.M.

EIGHTEENTH DAY

Senate Chamber
Thursday, February 27, 2003

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 this week each of us have had countless conversations, O God, but what have we heard? Give to us open minds, ready to receive and welcome new ideas from You and from others.

February 27, 2003

“Give us the courage to change our minds when that is needed.

“But let us be tolerant of the thoughts of others, for we never know in whose voice you will speak.

“We also ask that you grant traveling mercies to all of the Senate family as they return to their homes today. Amen.”

The Chair grants leaves of absence for today to Senator Berger, Senator Carrington, Senator Gulley, Senator Hagan and Senator Hartsell.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, February 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. Lindsey L. White from Elizabeth City, North Carolina, and Dr. Jess Meredith from Winston-Salem, North Carolina who are serving the Senate as Doctors of the Day.

CALENDAR

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

S.B. 2 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN APPLICANTS FOR DRIVERS LICENSES TO SUBMIT MEDICAL CERTIFICATES FROM OUT-OF-STATE PHYSICIANS.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.J.R. 59, (Committee Substitute), A JOINT RESOLUTION HONORING BOOKER T. WASHINGTON, FOUNDER OF THE TUSKEGEE INSTITUTE; HONORING THE INSTITUTE'S MOST RENOWNED FACULTY MEMBER, GEORGE WASHINGTON CARVER; AND EXPRESSING APPRECIATION TO THE TOM JOYNER FOUNDATION FOR FUND-RAISING EFFORTS TO BENEFIT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

Upon motion of Senator Dalton, the rules are suspended and the Committee Substitute joint resolution is placed on today's Calendar.

The Senate recesses at 9:19 A.M. to reconvene at 10:00 A.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 Hoyle.

PERSONAL PRIVILEGE

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

“Members of the Senate, Peggy Telfair has been the purchasing agent for the General Assembly for many, many years. She is retiring tomorrow. She is sitting up here and Peggy if you will stand up. A lot of us probably have never seen her, but all of the stuff that we requisition, and buy, and do in this Chamber has been done through her and her office. She has been a loyal and hardworking and dedicated employee for our Chamber for twenty-three years. Her husband, Richard, is a Sergeant-at-Arms. Richard will you raise your hand up there? You all know him. They have three children, Jane, Rick, and Kim. Peggy and Richard have a brand new grandchild, which is what Peggy wants to do a lot of spending her time in retirement. We wish you a lot of fun in your retirement and enjoyment of your grandchildren and we want to thank you a great deal for your service to this Chamber and to our State. Thank you.”

WITHDRAWAL FROM CALENDAR

S.J.R. 98, A JOINT RESOLUTION HONORING BOOKER T. WASHINGTON, FOUNDER OF THE TUSKEGEE INSTITUTE; HONORING THE INSTITUTE'S MOST RENOWNED FACULTY MEMBER, GEORGE WASHINGTON CARVER; AND SALUTING TOM JOYNER, AN ALUMNUS OF TUSKEGEE INSTITUTE, ALONG WITH THE TOM JOYNER FOUNDATION, FOR FUND-RAISING EFFORTS TO BENEFIT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

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, 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**.

PRIVILEGES OF THE FLOOR

Upon motion of Senator Shaw, privileges of the floor are granted to Dr. James H. Ammons, Chancellor of North Carolina Central University. Dr. Ammons is representing the Chancellors of the historically black colleges and universities participating in the CIAA Basketball Tournament in Raleigh.

The President recognizes Senator Basnight, President *Pro Tempore*, who appoints Senator Shaw, Chairman; Senator Dannelly, Senator Dorsett, Senator Garrou, Senator Holloman, Senator Horton, Senator Lucas, Senator Malone, Senator Rand, Senator Reeves and Senator Stevens to escort Dr. James H. Ammons to the Well of the Senate.

February 27, 2003

Senator Shaw is recognized and introduces Dr. Ammons who briefly addresses the Senate. Dr. Ammons is granted permission to be seated in the Chamber to hear House Joint Resolution 59.

CALENDAR (*continued*)

H.J.R. 59 (Committee Substitute), A JOINT RESOLUTION HONORING BOOKER T. WASHINGTON, FOUNDER OF THE TUSKEGEE INSTITUTE; HONORING THE INSTITUTE'S MOST RENOWNED FACULTY MEMBER, GEORGE WASHINGTON CARVER; AND EXPRESSING APPRECIATION TO THE TOM JOYNER FOUNDATION FOR FUND-RAISING EFFORTS TO BENEFIT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

Upon motion of Senator Shaw, the Committee Substitute joint resolution is read in its entirety and, upon motion of Senator Foxx, the remarks of the members are spread upon the Journal, as follows:

Senator Shaw:

"Thank you, Madame President. Members of the Senate and all the ladies and gentlemen, first of all I'd like to thank you for your outstanding patience here today, such a rainy, lovely day, but nevertheless this is the day that we all go home. We've been here all week and it really speaks well and very high of this body to honor this resolution and the people here today and I have to say thank you.

"Ladies and gentlemen, members of the Senate, I humbly stand before you today to ask your support of this resolution. We talked earlier this week of Black History Month and we've had presentations by all of the members, or most of the members that wanted to make presentations, and that is a first. I was delighted to see that folks felt uninhibited to participate in the celebration of black achievements. This history month of black achievement was designated to call attention of Americans who are of African decent. With few exceptions, it is celebrated all across the country. What a great way to end up our week of work than to have the CIAA Tournament in town, culminating with the end of Black History Month and to honor someone who supports and embraces the concepts of knowledge. The Tom Joyner Foundation, which we are honoring today, had done much to lift up our historically black colleges and universities. I recall as a young man graduating from high school in High Point, North Carolina, I was recruited by many schools, major colleges, and a lot of the schools around here in this area in the CIAA, but I chose to go to Alabama because I wanted to learn and see what that part of the world was like. I had heard a lot of negative things about it, but I was convinced that there are a lot of good things about it. So I went to school in Alabama, in Montgomery, Alabama. Tuskegee was our arch rival, just like State and Carolina, and we had many battles and I had many friends at Tuskegee and one of the interesting things that I've learned is that almost every school in Alabama is named Booker T. Washington or Carver High School or Junior High school and is named after these two principals that we've just heard talked about. One of the interesting things about, I've always been impressed about with Dr. Carver, is that if you go to the Tuskegee Institute Foundation, they have a center there, you see a giant Model T sitting on a wall. You think, what is the Model T doing here? What's the significance of it. Well, Henry Ford when he was building the Ford empire introducing mass production, consulted with Dr. Carver who was a very renowned scientist of his day. And the ideas that he got from Dr. Carver led him

to ... and that set forth the revolution that made this country so great today, based on a lot of the principles that he got from Dr. Carver.

“You’ve read the fact and you’ve heard it and you know of the outstanding work that the Tom Joyner Foundation is doing, but we want to raise the names and lift their names so that you know that they are consistent with the things that we fight for in this General Assembly. We fight for support of education and how important it is to all of us. There was a time when people lived in what they call the Dark Ages. There was very little reading and hardly any writing to record history or whatever and this darkness covered the earth for years and the people were very illiterate, very ignorant, very superstitious, myths prevailed and it took a long time to get the earth up and running to what they call the Renaissance period. This was a period of learning. And we stand in a unique position here today, to be able to look back and see the benefits. There was one great prophet who said, ‘Get knowledge, get wisdom, but in all that getting, get understanding.’ We have to honor what these people have tried to do and those many who have carried the torch of light of education. It has been said that when the Lord, one of the first acts of creation was when he created the pen, the quill. The pen said to the Lord, ‘My Lord, what am I to do? What is my purpose?’ The Lord commanded him to write. The pen said, ‘My Lord, what shall I write?’ And he was commanded to write everything that is, everything that will be, up until the Day of Judgment. And there you have it. All of the civilized societies from the Alpha to the Omega are beholden to the learned ones, the scholars. This is no less here today than what Tom Joyner does when he raises money to give to these institutions so that deserving young men and women may have a chance to further themselves and better society. You heard one of our members speak earlier this week, so eloquently, Senator Lucas, about how her mother insisted upon her child having an education and we see this fine example here. Ben Franklin once said to the framers of the Constitution as they were having a spirited debate about the principles and ideals and the framing of the Constitution and the type of mechanism that was set up with legislative and judicial and having great laws and great justice that would make this democracy unparalleled and unprecedented and they were arguing over some of the fine points of justice. He quoted, ‘Not a leaf falls from a tree without the permission of my Lord.’ That tells you a whole lot, that if it was not for intelligence and not for knowledge and not for wisdom, where would mankind be, where would we have managed to be? It is only because we have the powers of rationale, the powers of reasoning that separates us from the animals. So ladies and gentlemen, it is with great pleasure that I ask you to support this resolution, honor these people who have turned a show that was designed for entertainment, they have turned it into a show that has a real tint of seriousness to it. They’re doing a lot of good things; they talk to a lot of good people. I think he was on the Larry King show a couple of weeks ago, but this man, as unselfish as he is, has taken about trying to assist deserving young students who would ordinarily not have a chance to enter college. And for this I thank you for your time, I thank you for your patience, and more importantly I thank you for honoring these people with your decision to be here and stay and support this resolution. Madame President, I think we have a few other guests here today. If you could, at the end of the ceremony, we’d like to have them introduced. I thank you again, ladies and gentlemen.”

Senator Holloman:

“This resolution today should mean a lot to all of the citizens of North Carolina.

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This resolution speaks well for the Afro-American community. And I say to this body today, many students in my district would not be in college without Tom Joyner and the United Negro College Fund. This resolution today is a milestone for all of the citizens of North Carolina and I'm proud today that we are talking about this resolution on the floor in the North Carolina State Senate. It speaks well for our State; it speaks well for us as Senators, and I ask for your support of this resolution. Thank you."

Senator Albertson:

"Thank you, Madame President and members of the Senate. This was an individual I think it would have just been a great honor to get to know. And it simply amazes me as one who has an interest in agriculture, as you know, all the things that he was able to do in the area of crop rotation all those many years ago. He has probably led the way on that and we know how important that is. All the many different uses he's found for these ag commodities, peanuts, and sweet potatoes, and all the other great things he did in that area. But I guess the greatest thing about him to me is not so much what he did in that area, but from what we've heard today, he didn't want to profit from that for himself, but rather he gave it to the benefit of society and for all of us. All of us would do well to emulate the good work and the good things he did. Senator Shaw, I was fortunate enough, as you did, to see Tom Joyner on the Larry King Show a few weeks back, and that was of great interest to me also. What this man is doing in his position to help so many people be able to go to college is wonderful. And that, too, is something all of us would do well to emulate. I support this resolution."

Senator Dannelly:

"Thank you, Madame President. Ladies and gentlemen of this caucus and body, Tom Joyner is an Omega Man. We are fraternity brothers. I'm a member of the Omega Psi Phi Fraternity. Frank Ballance is a member. The late Luther Jordan was a member. What Tom Joyner is doing is operating on the foundation of Omega Psi Phi Fraternity. That foundation is for cardinal manhood, scholarship, perseverance, and uplift, and that's what Tom Joyner is doing. I ask you to support this resolution so that Tom Joyner will know that we appreciate what he is doing. Thank you."

Senator Kerr:

"Just a footnote in history. The Tuskegee Airmen were given the job of escorting the bombers, the B17's from England over Germany. I don't think some people even thought they could fly, but they did this job in such a way they never lost a bomber that was being escorted by the Tuskegee Airmen. Senator Dannelly was a hero of another war, but this was something that I think really changed the perspective of this country looking at all of our citizens as the way they should, that is to be colorblind. But can you believe that you would leave England and go over France, Belgium, Germany, ... all the bombers and the fighters and never lose one craft. They must have been pretty good pilots, as they've been pretty good citizens. I commend this resolution."

Senator Rand:

"Ladies and gentlemen of the Senate, we had the opportunity to have Tom Joyner in Fayetteville. He came down there to benefit Fayetteville State University. If

you've never been in his presence you don't understand what an electrifying individual he is. It was an amazing thing. Everybody had an absolutely wonderful time but, more importantly, he raised a lot of money for Fayetteville State University. I'm not sure many of you know, but Fayetteville State University, you hear about all these Eagles and Aggies and all that stuff, but Fayetteville State University is the second oldest school in our University System. The University of North Carolina at Chapel Hill is first and Fayetteville State is second in terms of age. We're very proud of that and we're very proud of the fact that Tom Joyner is the sort of individual that he is that does so much to benefit the historically black colleges and universities across our nation. He gives of himself, he gives so much to others and I think the example of Dr. Washington is certainly picked up and carried forward by Tom Joyner. This is a wonderful resolution honoring people who have done so much for our country and I recommend it to you."

Senator Basnight:

"Thank you Madame President. The Tuskegee Airmen came to the Wright Brothers two weeks ago and I don't know how many are left, Senator Shaw, but those who are able, who still have that energy, who are still with us, showed up at the site where flight began. And they reminisced with the people at Wright Brothers. And to further the enlightenment of the knowledge that we don't receive and don't have because history hasn't given it to our children as they should, they went to Kitty Hawk Elementary School and entertained the children, the parents, and the people who came and it was such a delight and so informative, and it gave so much to those children and those parents they left and went to another middle school and elementary school. The paper that we receive in northeastern North Carolina, unfortunately, *The Virginia Pilot*, and that was shared with everyone on the front page, these airmen who have given so much and have told us a piece of the history that we didn't understand, that had never been shared with us. And you're right Senator Kerr, they did not lose a plane at that time. But much of that history was taken away and was not shared and I believe as we have these special Black History weeks I am hopeful that we understand and we imprint upon the minds of all our children what people such as these Airmen and what Tom Joyner is doing for the African American community to make us fully understand these wonderful contributions will continue and expand. I support the resolution as well."

The Committee Substitute joint resolution passes its second (42-0) and third readings and is ordered enrolled.

The Escort Committee is recognized to escort Dr. Ammons from the Chamber.

ENROLLED BILL

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

H.J.R. 59, A JOINT RESOLUTION HONORING BOOKER T. WASHINGTON, FOUNDER OF THE TUSKEGEE INSTITUTE; HONORING THE INSTITUTE'S MOST RENOWNED FACULTY MEMBER, GEORGE WASHINGTON CARVER; AND EXPRESSING APPRECIATION TO THE TOM JOYNER FOUNDATION FOR FUND-RAISING EFFORTS TO BENEFIT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES. (Res. 3)

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Upon motion of Senator Basnight, seconded by Senator Shaw, the Senate adjourns subject to introduction of bills, to meet Monday, March 3, at 6:30 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 Kinnaird:

S.B. 232, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ORANGE.

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

By Senator Kinnaird:

S.B. 233, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CHATHAM.

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

By Senator Kinnaird:

S.B. 234, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CHATHAM.

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

By Senators Hoyle and Berger:

S.B. 235, A BILL TO BE ENTITLED AN ACT TO ALLOW A RETAILER THAT LEASES MOTOR VEHICLES AND THAT HAS PAID THE HIGHWAY USE TAX ON THE MOTOR VEHICLES TO PAY AN ADDITIONAL GROSS RECEIPTS TAX ON THE MOTOR VEHICLES.

Referred to **Finance Committee**.

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

S.B. 236, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DIVIDEND RECEIVED DEDUCTION FOR REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS TO ENSURE THAT ALL DIVIDENDS ARE TREATED UNIFORMLY, TO EXTEND FOR TWO YEARS THE DEPARTMENT OF REVENUE'S AUTHORITY TO OUTSOURCE THE COLLECTION OF IN-STATE TAX DEBTS, AND TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS.

Referred to **Finance Committee**.

By Senator Moore:

S.B. 237, A BILL TO BE ENTITLED AN ACT RELATING TO THE 5TH SENATORIAL DISTRICT.

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

By Senator Moore:

S.B. 238, A BILL TO BE ENTITLED AN ACT RELATING TO THE 5TH SENATORIAL DISTRICT.

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

By Senator Moore:

S.B. 239, A BILL TO BE ENTITLED AN ACT RELATING TO THE 5TH SENATORIAL DISTRICT.

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

By Senator Moore:

S.B. 240, A BILL TO BE ENTITLED AN ACT RELATING TO THE 5TH SENATORIAL DISTRICT.

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

By Senators Moore and Jenkins:

S.B. 241, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROGRAM IN PITT COUNTY FOR COLLECTION IN WORTHLESS CHECK CASES.

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

By Senators Sloan; Ballantine, Blake, Brock, Carpenter, Dalton, Hargett, Lucas, Metcalf, Moore, Shaw, Shubert, Smith and Tillman:

S.B. 242, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FIRE DEPARTMENTS TO HONOR DECEASED OR RETIRING FIREFIGHTERS BY AWARDING THEM WITH THEIR FIRE HELMETS.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senator Holloman:

S.B. 243, A BILL TO BE ENTITLED AN ACT TO NAME THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senators Weinstein; Purcell and Soles:

S.B. 244, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO RECOGNIZE RETIRED NURSES BY SPECIAL LICENSURE STATUS AND TO ESTABLISH A FEE FOR THIS STATUS.

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

By Senators Weinstein; Albertson, Holloman, Jenkins and Soles:

S.B. 245, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HUNTING OF COYOTES IN CONTROLLED HUNTING PRESERVES AND TO MAKE IT UNLAWFUL TO IMPORT LIVE COYOTES INTO THIS STATE.

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

By Senator Hoyle:

S.B. 246, A BILL TO BE ENTITLED AN ACT RELATING TO THE 43RD SENATORIAL DISTRICT.

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

By Senator Hoyle:

S.B. 247, A BILL TO BE ENTITLED AN ACT RELATING TO THE 43RD

SENATORIAL DISTRICT.

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

By Senator Hoyle:

S.B. 248, A BILL TO BE ENTITLED AN ACT RELATING TO THE 43RD SENATORIAL DISTRICT.

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

By Senator Hoyle:

S.B. 249, A BILL TO BE ENTITLED AN ACT RELATING TO THE 43RD SENATORIAL DISTRICT.

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

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

S.B. 250, 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 Allran; Apodaca, Ballantine, Bingham, Carpenter, Clodfelter, Dalton, Forrester, Foxx, Garrou, Garwood, Hartsell, Horton, Hoyle, Jenkins, Lucas, Purcell, Rand, Shubert, Sloan and Tillman:

S.B. 251, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE PRACTICE OF THE REBIRTHING THERAPEUTIC TECHNIQUE.

Referred to **Health and Human Resources Committee.**

By Senators Purcell and Swindell:

S.B. 252, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE AUDITOR TO PERFORM AN AUDIT OF THE COMMUNITY ALTERNATIVES PROGRAM FOR DISABLED ADULTS (CAP/DA) AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONTINUE ITS EXAMINATION OF CAP/DA AND REPORT TO THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

By Senators Purcell and Swindell:

S.B. 253, A BILL TO BE ENTITLED AN ACT TO EXPAND THE STATE/COUNTY SPECIAL ASSISTANCE IN-HOME DEMONSTRATION PROJECT BY PERMITTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO INCREASE THE NUMBER OF INDIVIDUALS WHO MAY BE ENROLLED IN THE PROJECT.

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

By Senators Purcell and Swindell:

S.B. 254, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A GROUP WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ENSURE THAT FELONS ARE NOT EMPLOYED BY LONG-TERM CARE

FACILITIES AND HOME CARE AGENCIES AND TO REPEAL THE MORATORIUM ON THE EFFECTIVE DATE OF LONG-TERM CARE CRIMINAL CHECKS.

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

By Senators Purcell and Swindell:

S.B. 255, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A LONG-TERM CARE WORKFORCE IMPROVEMENT PROGRAM FOR DIRECT CARE WORKERS EMPLOYED BY ADULT CARE HOMES AND HOME CARE AGENCIES IN AN EFFORT TO INCREASE SKILL LEVELS, JOB SATISFACTION, AND RETENTION RATES.

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

By Senators Smith, Stevens; Allran, Apodaca, Ballantine, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Horton, Pittenger, Rucho, Shubert, Sloan, Tillman and Webster:

S.B. 256, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO ESTABLISH THE OPERATING BUDGET GROWTH FACTOR FOR THE GENERAL FUND.

Referred to **Judiciary I Committee**.

ADDITIONAL SPONSORS

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

S.B. 219, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR NORTH CAROLINA FOOD BANKS.

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

S.R. 225, A SENATE RESOLUTION EXPRESSING SUPPORT FOR THE ARMED SERVICES FIGHTING THE WAR AGAINST TERRORISM.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 10:57 A.M.

NINETEENTH DAY

Senate Chamber
Monday, March 3, 2003

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 state of the State is what brings the men and women of the Senate to this Chamber each day of this session.

"Tonight, like the rest of us North Carolinians, the Senators will hear Governor Easley's report. Unlike us, however, they will listen with the responsibility to enact or debate his ideas.

"Give the Senators first wisdom in hearing and then wisdom in processing the information that is heard.

"Additionally tonight, we offer a special prayer of deep concern for former Senator Oscar Harris in the death of his son, his daughter-in-law, two grandchildren, and their babysitter. The Harris' pain is something unimaginable to most of us, a void which only you, O God, can heal and fill. Amen."

The Chair grants a leave of absence for tonight to Senator Sloan.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, February 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. Edwin T. Preston from Durham, North Carolina, who is serving the Senate as Doctor 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. 8, AN ACT PROVIDING IMMEDIATE ELIGIBILITY FOR UNEMPLOYMENT BENEFITS TO INDIVIDUALS UNEMPLOYED DUE TO A MAJOR INDUSTRIAL DISASTER. (Became law upon approval of the Governor, February 27, 2003—S.L. 2003-1.)

S.B. 29, AN ACT TO EXTEND THE EFFECTIVE DATE OF THE EXEMPTION GIVEN TO RETAILERS UNDER THE LAWS REGULATING PLUMBING AND HEATING CONTRACTORS. (Became law upon approval of the Governor, February 27, 2003—S.L. 2003-2.)

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Allran:

S.B. 257, A BILL TO BE ENTITLED AN ACT RELATING TO THE 44TH SENATORIAL DISTRICT.

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

By Senator Allran:

S.B. 258, A BILL TO BE ENTITLED AN ACT RELATING TO THE 44TH SENATORIAL DISTRICT.

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

By Senator Allran:

S.B. 259, A BILL TO BE ENTITLED AN ACT RELATING TO THE 44TH SENATORIAL DISTRICT.

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

By Senator Allran:

S.B. 260, A BILL TO BE ENTITLED AN ACT RELATING TO THE 44TH SENATORIAL DISTRICT.

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

By Senators Purcell; Allran, Dannelly, Dorsett, Malone and Moore:

S.B. 261, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE INFANT HOMICIDE PREVENTION ACT.

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

By Senators Foxx, Metcalf, Allran, Dannelly, Lucas, Purcell; Apodaca, Ballantine, Brock, Carpenter, Clodfelter, Dorsett, Horton, Kinnaird, Queen and Soles:

S.B. 262, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO STUDY INTEGRATION OF CARE FOR CHILDREN WITH MULTIPLE SYSTEM SERVICE NEEDS.

Referred to **Health and Human Resources Committee**.

By Senators Brock; Apodaca, Blake, Carpenter, Forrester, Foxx, Garwood, Shubert, Sloan, Tillman and Webster:

S.B. 263, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT DRIVERS LICENSES ISSUED BASED ON A VALID ALIEN REGISTRATION SHALL EXPIRE WHEN THE VALID ALIEN REGISTRATION EXPIRES.

Referred to **Judiciary II Committee**.

By Senator Malone:

S.J.R. 264, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF WENDELL ON THE TOWN'S 100TH ANNIVERSARY.

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

March 3, 2003

By Senator Forrester:

S.B. 265, A BILL TO BE ENTITLED AN ACT RELATING TO THE 42ND SENATORIAL DISTRICT.

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

By Senators Forrester; Allran, Carpenter and Pittenger:

S.B. 266, A BILL TO BE ENTITLED AN ACT TO CREATE A CREDIT AGAINST THE INCOME TAX OF PUBLIC SCHOOL TEACHERS.

Referred to **Finance Committee**.

By Senators Forrester; Allran, Bingham, Blake, Carpenter, Garwood and Smith:

S.B. 267, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE TREASURER AND THE NORTH CAROLINA HOUSING FINANCE AGENCY TO DEVELOP PILOT PROGRAMS TO PROVIDE NEW TEACHERS WITH MORTGAGE ASSISTANCE TO ENCOURAGE THEM TO STAY IN THE CLASSROOM FOR A PERIOD OF AT LEAST THREE YEARS.

Referred to **Finance Committee**.

By Senators Forrester; Allran, Bingham, Blake, Carpenter, Shubert and Sloan:

S.B. 268, A BILL TO BE ENTITLED AN ACT TO EXEMPT LOCAL SCHOOL ADMINISTRATIVE UNITS FROM STATE AND LOCAL SALES TAX.

Referred to **Finance Committee**.

By Senator Hargett:

S.B. 269, A BILL TO BE ENTITLED AN ACT RELATING TO THE 6TH SENATORIAL DISTRICT.

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

By Senator Hargett:

S.B. 270, A BILL TO BE ENTITLED AN ACT RELATING TO THE 6TH SENATORIAL DISTRICT.

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

By Senator Hargett:

S.B. 271, A BILL TO BE ENTITLED AN ACT RELATING TO THE 6TH SENATORIAL DISTRICT.

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

By Senator Hargett:

S.B. 272, A BILL TO BE ENTITLED AN ACT RELATING TO THE 6TH SENATORIAL DISTRICT.

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

By Senators Swindell and Purcell:

S.B. 273, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A LEGISLATIVE STUDY COMMISSION ON STATE GUARDIANSHIP LAWS.

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

By Senator Hoyle:

S.B. 274, A BILL TO BE ENTITLED AN ACT TO MAKE A CONFORMING STATUTORY CHANGE CONCERNING THE ORGANIZATIONAL SESSION IF THE SESSION LIMITS CONSTITUTIONAL AMENDMENT IS APPROVED BY THE VOTERS.

Referred to **Judiciary I Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives
February 27, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to SJR 138, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES, Speaker Black has appointed the following members of the House of Representatives to serve with a like committee of the Senate to escort Governor Michael F. Easley to the Joint Session:

Representative Culpepper,
Representative Kiser,
Representative Hackney,
Representative Justice,
Representative Glazier,
Representative Stiller,
Representative Adams, and
Representative LaRoque.

Respectfully,
S/Denise Weeks
Principal Clerk

House of Representatives
March 3, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that Representative Culpepper has been removed as an escort for Governor Michael F. Easley and Representative Cunningham has been added.

Respectfully,
S/Denise Weeks
Principal Clerk

March 3, 2003

The Chair orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House of Representatives pursuant to **S.J.R. 138**, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
March 3, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to SJR 138, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES, the House stands ready to receive your Honorable Body in Joint Session.

Respectfully,
S/Denise Weeks
Principal Clerk

Upon motion of Senator Basnight, and in accordance with S.J.R. 138, the Senate stands in recess to repair to the Hall of the House of Representatives, there to sit in Joint Session for the purpose of receiving the State-of-the-State Address from the Honorable Michael F. Easley and further moves that, upon dissolution of the Joint Session, the Senate stand adjourned to reconvene Tuesday, March 4, at 2:00 P.M., which motions prevail.

The President declares the Senate in recess. The Senate, preceded by its officers, repairs to the Hall of the House of Representatives.

JOINT SESSION

With members of the House of Representatives standing, the Senate is received in the Hall of the House of Representatives.

The Speaker of the House of Representatives presides and recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of the Chief Justice, the Associate Justices of the Supreme Court of North Carolina, the Chief Judge and Judges of the Court of Appeals. The Speaker directs the Sergeant-at-Arms of the House of Representatives to open the doors and escort the members of the Judiciary to their seats.

The Speaker recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of members of the Council of State and the Governor's Cabinet. The Speaker directs the Sergeant-at-Arms to open the doors of the House of Representatives and escort the members of the Council of State and the Governor's Cabinet to their seats.

The Speaker extends the courtesies of the House to the First Lady of North Carolina, Mrs. Mary Easley; Mr. Michael Easley, son of Governor Michael F. Easley; Mr. Robert Eaves, husband of Lieutenant Governor Beverly E. Perdue; Cindy Morgan, wife of Speaker Richard Morgan; and all invited guests.

The Speaker relinquishes the gavel to Lieutenant Governor Beverly E. Perdue, President of the Senate, who presides.

The President of the Senate calls the Joint Session of the General Assembly to order.

The President recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of His Excellency, The Honorable Michael F. Easley, Governor. The President directs the Sergeants-at-Arms of the House of Representatives and the Senate and the Committees appointed by the President *Pro Tempore* of the Senate and the Speaker of the House of Representatives to escort the Governor to the Well of the House of Representatives. Senator Soles is recognized and presents the Governor to the President of the Senate. The President presents his Excellency, The Honorable Michael F. Easley, who delivers the State-of-the-State Address to the 2003 General Assembly.

STATE-OF-THE STATE ADDRESS

"Mr. Speaker, Senator Basnight, Mr. Speaker, Lieutenant Governor Perdue, Members of the General Assembly, Chief Justice Lake, Members of the Court, Council of State, my Cabinet, honored guests and fellow citizens, I must make note tonight that we have Co-Speakers for the first time in the history of North Carolina. Every Representative and I and every Senator have the responsibility to make this arrangement work for the benefit of the people of North Carolina.

"I thank you for your warm welcome and hope that that is not all that I'll get this year. Before I start, I would like to acknowledge my family – my wife, Mary, and my son, Michael, – who are with me tonight. I thank them for their love and support.

"The shadow of war dominates our thoughts tonight. Brave young men and women are serving abroad, risking their very lives for American freedom. We pray for their safe return and for their families who wait in hope to see their loved ones soon.

"Our special guests are here tonight and I want to acknowledge them. To the airmen at Seymour Johnson and Pope Air Force Base, the Marines at Cherry Point and Camp Lejeune, to the soldiers at Fort Bragg, to the National Guard and Coast Guard who are here tonight – we are proud of you, and North Carolina is proud to be the most military-friendly State in America.

"I last had the privilege of addressing this body only two short years ago. Much has changed but our values have stayed the same. A startling series of events has

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challenged us – a deadly act of terrorism on our own soil, a prolonged national recession and an incredible number of natural disasters. North Carolina is the only state paying for a flood while we are in a drought and recovering from three ice storms. But what has stayed the same throughout this adversity is our faith in God, love for our families, respect for our fellowman, and the unshakeable belief that we can, and should, make tomorrow for our children better than today. Those same values inspired our forefathers four centuries ago to sail rough waters in search of better days. Those same values inspired us to be the only state to keep schools open during the Great Depression and to open the first state university. Those same values helped man fly the first plane on our shores one century ago this year. Our forefathers were guided by a faith and a love that inspired them to make this great State an even better place for their children. They demonstrated their belief that their children's dreams would not be sacrificed to temporary difficulties caused by factors beyond their control. Our accomplishments in these trying years demonstrate those same values. We are not only meeting the challenges, we are overcoming them.

"For the past two years, all states have been stifled by budget deficits. We made the tough choices and got our finances under control. Other states are working to find billions to balance their books by June. But in North Carolina, we balanced our budget and protected our priorities at the same time. Other states are cutting back to four-day school weeks, slashing the classroom and higher education and releasing prisoners on the streets. Not in North Carolina, not on my watch, and not on yours. Our strategy is different. We reduced the size of state government while we expanded educational opportunity. We have built on our strong educational foundation by adding two essential ingredients of academic success for our children.

"Two years ago, we were one of only two Southern states that had no pre-k program. Today, we have More at Four which will serve 10,000 four-year-olds in 91 counties this year. We had kindergarten classes packed with 30 students and more. Today, kindergarten and first grade classes have been reduced to 18 and we are starting on second and third grade this year. More children are staying in school as our dropout rate has fallen dramatically for the third year in a row. Test scores, in short, are up, attendance is up, and our competitive advantage is up in North Carolina.

"Character education is now taught across the State. Children are not only learning how to write, but they are learning what is right. Dress codes are working. Students are looking better and so are their test scores.

"Our economic development prospects are also improving. *Site Selection* magazine praised North Carolina for our new jobs creation bill and for the second year in a row they named North Carolina number one in business climate. Our landmark Clean Smokestacks Bill is a national model. You proved you can have clean air without high electric bills.

"We tackled the skyrocketing costs of prescription drugs for our seniors. Our new Senior Care program helps them get their medication while they keep their health. People said we could not afford to go forward with this program in this economy, but North Carolina will protect the greatest generation in any economy. While Washington still debates this issue, North Carolina passed the strongest Patients Bill of Rights in America and you did it unanimously.

"We have kept our people safe. Within days of that fateful attack when terrorists struck our nation, North Carolina took action. We did not wait on Washington for help. You gave me the authority to spend up to \$30 million for equipment, response, and training. A national survey recently showed that North Carolina has done more

for homeland security than any other state in America. Our North Carolina National Guard has deployed and placed on alert over 6,000 troops who operate everything from Apache attack helicopters to Bradley fighting vehicles. We are not just talking about soldiers, or troops, or battalions – but North Carolina families – like Major Mike Hill, an Apache attack pilot. He is not just a Major; he is the husband of Rhonda Hill and the father of Michael, Brandon and Cameron. Rhonda is with the Guard's family support program. She and her children are here tonight and, Rhonda, all of North Carolina is proud to support you and all of the military families and all of the troops. Thank you for what you do.

"You should be proud of all this good work. But now, we must set our sights on what we can further achieve. I challenge you, as you make decisions about this year's budget, to set aside thoughts about the problems of the moment and be guided instead by those same values that guided our forefathers. We have made great strides, but there is much more to do and we will do it together. The prospect for bipartisan cooperation in both chambers has never been better. For that, I am grateful and excited about the opportunity to work with all of you, regardless of party. People do not know or care who makes progress – they just care that progress is made.

"Our budget is not just a numbers game. It reflects our values for we know that where a man's treasure is, there also is his heart. Budgets are about educating our children, training our workers and helping the least of our people. We balanced our budget by cutting more than \$1 billion a year and we reduced the state operating budget for the first time in 33 years. You had the courage to face reality and deal with adversity and all of North Carolina is grateful to you for that. We must continue to be disciplined ... setting our priorities.

"First, protect all of our children and their rights to a quality education. No cuts to the classroom – from pre-k through the university. Our economy demands lifelong learning and we will provide it – from the high chair to the rocking chair. This is a North Carolina value, and it is not one that is going to change. We will hire new teachers and we will pay them well. We have moved from 43rd in the nation to near the top 20 in teacher pay. They are entrusted with our most precious resource, and their compensation should reflect that.

"Our Community College professors are 47th in the nation in pay. We must cure that inequity if we want to remain competitive in worker training programs. We cannot do it all this year, but we will get started. We will continue to reduce class size so teachers can teach and students can learn. If you give kids smaller classes, they will give you higher test scores. And college will stay affordable. Tuition will not increase this year.

"We will make sure at-risk four-year-olds attend pre-k through More at Four. This program is working. We have kids who show up unable to speak English or recognize colors, shapes, numbers and letters. They leave ready to learn in classrooms in America. Some may say that we cannot afford to invest in every child's future in tough budget times. When it comes to protecting our classrooms, we draw the line in North Carolina. We will not sacrifice any child's future in any economy.

"But make no mistake, we do need change if we want our success to continue. We need to reform the way we develop our budget.

"First, we must recognize that the surplus politics of the 90's are over. State tax collections will not grow in double-digits and we cannot fund all programs for all people. As a government, we must focus on our core mission and strive to do it well.

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The budget I will submit meets that challenge and makes the tough choices again. It cuts \$800 million more in spending. It includes money to replenish our Rainy Day Savings Account and money for long-neglected renovations and repairs. And it has no tax increases. My budget has no gimmicks or slight-of-hand. It is balanced with the discipline we need to maintain our AAA bond rating. You have made tough choices, we've made the right choices over the past two years and it will not be for naught because I promise you that the first unbalanced budget or reckless spending bill sent to me will be vetoed the minute it hits my desk. We are going to balance the budget this year once and for all in North Carolina. We cannot just budget from one election year to the next. We must have a long-range plan of budget discipline to support our priorities. Our budget must be balanced for years to come as far as I can see.

"Here is what I believe we must do. First, state government must keep working to be more efficient. I am bringing together the best minds of the public and private sector. My Cabinet, a great team that has stayed together and stayed focused, has become more efficient. A majority of state agencies have had their budgets cut by double digits since I took office. State employees have answered the call as well. They have done more with less without reward. They will not be overlooked again this year in my budget. Our State's business leaders have stepped forward, too. The Chair of North Carolina Citizens for Business and Industry is heading a group creating a plan for long-term efficiency. Our retired state workers, the real experts on the system, have responded as well. Hundreds have offered their time and their advice. Every dollar must go further this year than it did last year and they understand that.

"Second, we must get off the old familiar road and be willing to embrace some change. In that spirit, I have proposed a cap on state spending. The size of state government cannot grow faster than our economy. It will not work. My new budget will be well below this cap, as it has been for the past three years. But without a mandatory cap, we could soon abandon budget discipline when the economy recovers and I want to guarantee that the overspending of the last boom never happens again. I noticed that the Freshmen were the first to stand!

"Third, we have to eliminate politics as usual. I, and future governors, must cut unnecessary spending. The people deserve a line-item veto to cut the spending we cannot afford and do not need. Now I do not expect a line-item veto to be popular in these chambers, but I do ask you to let the taxpayers vote on this measure.

"Fourth, I have met with the new legislators from both sides of the aisle and both chambers. The freshmen bring a fresh look to legislative life. They want to be home with their families sooner instead of spending ten months a year on a budget that can be done in three. I agree. Let the people vote on session limits for the General Assembly. The Senate has already acted and I challenge the House to act quickly to do the same. The current system is broken and it cannot be defended. As much as I love seeing you, we don't need to see each other at Halloween.

"Efficiency must start here. Over eight million citizens depend on your work and until your budget is done, schools cannot buy books and cannot hire teachers. State employees and local governments cannot balance their checkbooks. The legislature must be on the same calendar as the rest of the State.

"Finally, we must get health care costs under control. We cannot allow federal mandates to destroy education and public safety investments in this State. Let me be clear – programs in health care help our most vulnerable citizens. We know that and

we know that we will all be judged by how we treat the least of our people. But if we fail to control costs and try to be all things to all people, we will soon be unable to provide anything for anybody. The only viable long-term solution is prevention. It works in the private sector and it can work in state government as well. Diet, exercise, and checkups, they prevent health problems. An ounce of prevention is worth a pound of cure and a pound of cure is getting to be too expensive to waste. It is wrong to ask others to take care of us if we are not willing to take care of ourselves.

"Tonight, I am proposing that the State increase its wellness benefit by one-third next year. It is the right investment to make to provide incentives to stay well. We will help those on Medicaid as well. Under our new ACCESS initiative, health providers will emphasize prevention and begin enrollment with adults and children as well this year. It will cost us less and provide them more.

"If we cap spending, are more efficient, and control health care, we go a long way toward solving our budget problems. But these steps alone are really not enough. We cannot just cut or tax our way out of a recession. We have to grow our way out and that means getting North Carolina's economy headed back in the right direction. We all realize that North Carolina is caught in a national recession. Too many Americans cannot find work tonight. Behind every unemployment number is a real face and a hurting family and that is why we have to act now.

"We know the national trade policy is exporting North Carolina jobs, especially in textiles. Now I, and other Governors, will continue to ask and even beg Washington to stop hurting our workers. But the loss of low-skilled jobs is destined to continue. We need to face this reality, deal with it, and change our economy to provide new jobs for our workers. Now, we are not going to make any excuses. We are not going to play the blame game. Yes, we have been dealt some bad cards but we have to play those and I believe we can win with them.

"One State cannot control the national economy, but there are some things that North Carolina can do for North Carolina and I suggest we get about the business of doing it. Tonight, I am proposing an aggressive economic stimulus strategy that will bring new jobs and long-term economic growth to our State.

"First, the near-term strategy will create more than 100,000 new jobs by investing in the State's infrastructure beginning immediately. I want to accelerate road improvements across North Carolina. Two weeks ago, I announced our plan called 'North Carolina Moving Ahead' so that we can use bonds – already approved by the voters – to fix thousands of miles of roads and bridges. The cost is already covered. This plan will create 33,000 new jobs right away. It will not only stimulate the economy, but it will save money and save lives.

"Second, we must complete the expansion of the Wilmington Harbor to make the port available for more cargo. The expansion will increase our share of the import/export market and create 25,000 new jobs statewide right away, especially in the Piedmont where we depend so heavily on exports. We must finish this job by December to guarantee these new jobs. It will be in my budget. Industries across North Carolina are waiting for this gateway to international trade so we can do what we ought to be doing, export North Carolina products, not North Carolina jobs.

"Third, our growing enrollment in education means more buildings at our universities and community colleges. That is why voters approved a \$3.1 billion bond. These facilities will ensure colleges and universities continue to produce the workforce we need to compete globally. This year, we will issue bonds for capital projects that will create 43,000 new jobs and make our colleges more competitive at

the same time.

"Fourth, as I visit public schools I am struck by the number of trailers being used as classrooms. Far too many of our local governments are financially strapped. It is time for the State to help with school construction again. We need a new source of revenue to support a state investment in school facilities. I propose the State help those counties that are struggling the most – coping with Medicaid costs, low tax base, and no way to borrow. The emphasis must be on low-wealth counties and the only way to build One North Carolina is to do that and it is the only solution that is right, just and fair. But where do we go to get the money? We do not have to go anywhere to get the money; we just have to keep the money here in North Carolina. Now you knew this was coming.

"Two years ago, I stood here and told you that we are spending hundreds of millions of dollars building new schools in Virginia and Georgia while we are packing our kids in trailers here at home. Tonight, I tell you that we are also paying for schools in South Carolina and soon in Tennessee. When you are sitting here this year struggling with the budget, just remember that your colleagues in 39 other states have a revenue source that you do not have. That makes it more difficult for you to improve education and to keep taxes down. Now I heard you loud and clear last year that you do not want a lottery in the budget. But now you hear me and a strong majority of our North Carolinians loud and clear. We want to keep North Carolina education money in North Carolina because next year another 100,000 five-year-olds are going to show up at the schoolhouse door. They deserve more than an overcrowded classroom and an overworked, underpaid teacher and you don't have the money to pay for it. Now some people argue that a lottery is regressive. It is not my intent that it be regressive. It is my intent that we solve the most regressive flow in the education system. If you think a lottery is regressive, try packing 30 kids in a classroom. If you think a lottery is regressive, how about letting those schoolhouses decay in the low-wealth counties. If you think a lottery is regressive, try an achievement gap where we discriminate against an entire segment of our population. That's what is regressive – not an education lottery. Now, if you have a better idea I'm open to it but we can't leave here this year leaving the kids and the counties on the curb out in the cold. That's not a North Carolina value. The people want a separate Education Lottery Fund, just like the Highway Fund. If we keep our education money in North Carolina, we can reduce class size, provide pre-k, and still have \$200 million a year for school construction and create new jobs where they are needed the most. Now, education and infrastructure are critical to economic growth. But we must be competitive at every level. Within days after I signed the new job creation bill, businesses began to call our Commerce Department. The incentive bill helped us level the playing field for North Carolina in the competition for jobs. But we must create an environment that rewards discovery and innovation, and the use of knowledge and technology. We can do this by reforming our R&D tax credit to attract growth industries that we are now missing. We can do this by capitalizing on our commitment to the Golden LEAF Foundation. Golden LEAF has an aggressive biotechnology initiative. We are one of the few states poised to be the biotech capital of the world. This initiative puts us in a great position to lure new business, research, new jobs, and good paying jobs, and investments across the state. The North Carolina Biotechnology Center in partnership with the universities and community colleges – with a modest state investment – will send the message in a loud and mighty voice that North Carolina workers plan to lead the world in biotechnology and

we will not be denied. We have worked too hard, we have been building on this for fifty years and no other state is going to come and snatch it away from us. We can't let that happen.

"The most important ingredient to attracting new jobs is a prepared workforce. Those businesses that look here – who want to invest hundreds of millions in North Carolina – demand a skilled workforce. The North Carolina workforce of today, tomorrow, and the next decade will be highly skilled because they know the investments we are making and they know they are paying off. Now, I want you to contrast that. Contrast that with the majority of other states that are cutting education. Twenty-nine are cutting higher education and twenty-three are cutting K-12, while we in North Carolina are investing more in education, more in our people. Our strategy is simple. In the future, the most skilled workforce in America will be found within the borders of this State. I like North Carolina's position, but we have to stay disciplined and true to our values. I want you to be proud of what you are doing for the people of North Carolina. I want you to hold your head high when you think about what you've accomplished when you think about the investments you are making. I want you to hold your head especially high when you are in other states and tell them what you are doing in North Carolina. We must make sure that every single North Carolinian has a fair chance to succeed, whether their ancestors arrived centuries ago or just last week. And I say if you come here for freedom, if you come here to work hard and raise your family in a land of opportunity, and if you come here to make this a better place than when you arrived – then I say welcome.

"Todo aquel con buena voluntad esta bienvenido en Carolina del Norte. In other words: All people of good will are welcome in North Carolina. We need your talents, we need your skills, we need your values, and your hard work. That is not just good policy. That is a North Carolina value.

"We are making the right choices. We are getting the State turned around, but we must finish the job.

"I started tonight by remembering our brave soldiers performing their mission abroad. It must be our mission at home to be worthy of their service and their sacrifice. So let us pledge tonight to build the One North Carolina that we all want and they all fight to defend. We can start by fixing our budget, growing our economy, and keeping our promise in education and we cannot and will not rest until the achievement gap is gone, jobs are plentiful, and people are secure throughout this State. These are worthy goals, goals worthy of a great state and worthy of a great people. They are the people you represent. They have entrusted their hopes, their dreams and ambitions in our hands. We must embrace them as our own – embracing and renewing our commitment to the values of our generation. Thank you, and God bless North Carolina."

The Escort Committee is recognized to escort Governor Easley from the Hall of the House of Representatives, who departs to a standing ovation.

Upon motion of Senator Basnight, seconded by Senator Dalton, the Joint Session is dissolved, and pursuant to the motion prevailing earlier in the Senate, the Senate adjourns at 7:44 P.M. to reconvene tomorrow, Tuesday, March 4, at 2:00 P.M.

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TWENTIETH DAY

Senate Chamber
Tuesday, March 4, 2003

The Senate meets pursuant to adjournment and is called to order by The Honorable Charlie Dannelly, Deputy 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, if we were to be completely honest, we must admit there are some statements in Holy Scripture so unsettling that we wish the writers would have omitted them.

"There is not a person here who likes the notion that, as Scripture states, the poor will always be a part of our world, but we also squirm under the command of discipleship to sell all we have and give the proceeds to the poor.

"Teach us how to live the intention created by such polarities, between the already and the not yet of Your kingdom, whether in response to personal or tough legislative decisions. In your Holy Name we pray, Amen."

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

Senator Garrou, announces that the Journal of yesterday, Monday, March 3, 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 Deputy President Pro Tempore of the Senate extends courtesies of the floor to Dr. Brian R. Altman from Whiteville, North Carolina, who is serving the Senate as Doctor of the Day, and to Ginny Williams from Washington, 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 Hartsell; and Carpenter:

S.B. 275, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT.

Referred to **Judiciary II Committee**.

By Senators Horton; and Garrou:

S.B. 276, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE WINSTON-SALEM FIREMEN'S RETIREMENT FUND.

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

By Senators Rand; Apodaca, Dannelly, Dorsett, Garrou, Garwood, Gulley, Hagan, Hargett, Holloman, Hoyle, Jenkins, Lucas, Malone, Metcalf, Moore, Purcell, Queen,

Stevens, Swindell and Weinstein:

S.B. 277, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM PROPERTY TAX EDUCATIONAL PROPERTY HELD BY A NONPROFIT ENTITY IN TRUST FOR A PUBLIC OR PRIVATE UNIVERSITY LOCATED IN NORTH CAROLINA.

Referred to **Finance Committee**.

PERSONAL PRIVILEGE

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

Senator Smith:

"Colleagues, I rise today for a task for which I feel totally, totally inadequate. I serve the Twelfth Senatorial District and the Twelfth Senatorial District is the home of former Senator Oscar Harris. Many of you are aware of the tragedy which has fallen to the Harris family this week. There are no words that can totally in any way portray the pain and anguish that that family is going through at this time. Our community, the communities of Johnston and Harnett Counties are grieving and have a heavy heart with the total love and respect that we have for Senator Harris. Oscar Harris and Jean Harris are pillars of the community. They give their life to serve their communities and they are beloved by all citizens in Johnston and Harnett Counties. Senator Harris has devoted much of his adult life as the Mayor of Dunn and in this Chamber. When I decided to run for Senate, I sought the counsel of Senator Harris. Both before and after the election, he was kind and loving and treated me with all the respect and kindness that anyone could ever ask. He is a good and fine man and it is with a heavy heart that I stand to talk about this tragedy which is just beyond comprehension to lose a son, his wife, two children, and a baby-sitter, all wiped out in the twinkling of an eye. This reminds us that life is like grass, it withers and dies and we know not how long we're going to be here. So we grieve with Senator Harris and his family, we grieve also with the Mendell and Scoggins families, but we know, and all of you who served with Senator Harris and all of us who live in his community, know that Oscar Harris is a strong man of faith and that his faith will give him and Jean and their family somehow the strength to carry on through this tragedy. We know that as Scripture says, 'That even though I walk through the Valley of the Shadow of Death I will fear no evil for thou art with me and I will dwell in the House of the Lord forever.' We know also in Scripture it says that 'In my Father's House are many mansions and if it were not so I would have told you, and I go to prepare a place for you and if I go and prepare a place for you I will come again so that you will be with me one day.' We know that this strong faith Senator Harris and his family have will carry them through. I would ask you today that if you would pause and give thought to that family and if you are so inclined to even have prayer for that family because they are in great need. They are truly going through the Valley of the Shadow of Death. Thank you."

ADDITIONAL SPONSOR

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

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S.B. 261, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE INFANT HOMICIDE PREVENTION ACT.

Upon motion of Senator Kinnaird, seconded by Senator Lucas, the Senate adjourns at 2:17 P.M. to meet tomorrow, Wednesday, March 5, at 2:30 P.M.

TWENTY-FIRST DAY

Senate Chamber
Wednesday, March 5, 2003

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, after an unseasonably long, cold, and icy winter in North Carolina, the Japanese Cherry trees have their pink blossoms, Audrey's first daffodils have greeted us as we enter the front door of this building, and seventy degree warmth.

"Let us join with all creation by affirming this is the day the Lord has made, let us rejoice and be glad in it! Amen."

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

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, March 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 Pro Tempore of the Senate extends courtesies of the floor to Dr. Walter L. Wright from Kinston, North Carolina, who is serving the Senate as Doctor of the Day.

COMMITTEE APPOINTMENTS

Senator Basnight, announces the establishment of the **Select Committee on Employee Hospital and Medical Benefits**. The members are as follows:

Senator Rand, Chair; Senator Dannelly, Senator Forrester, Senator Garrou, Senator Hagan and Senator Hoyle.

Senator Basnight, announces the establishment of the **Select Committee on Laptops in the Senate Chamber**. The members are as follows:

Senator Reeves, Co-Chair; Senator Carrington, Co-Chair; Senator Albertson, Senator Apodaca, Senator Clodfelter, Senator Hagan, Senator Hartsell, Senator Rand, Senator Soles and Senator Stevens.

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 Dalton for the **Rules and Operations of the Senate Committee:**

S.B. 34, A BILL TO BE ENTITLED AN ACT TO REESTABLISH THE HIGHWAY TRUST FUND STUDY COMMITTEE, with a favorable report.

Upon motion of Senator Rand, the bill is placed on the Calendar for Tuesday, March 11.

By Senator Bingham for the **Health and Human Resources Committee:**

S.B. 226, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ADMINISTRATION OF MEDICATION TO A CHILD IN A LICENSED OR UNLICENSED CHILD CARE FACILITY WITHOUT PROPER AUTHORIZATION FROM THE CHILD'S PARENT OR GUARDIAN OR A BONA FIDE MEDICAL CARE PROVIDER, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65097, which changes the title to read **S.B. 226** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ADMINISTRATION OF MEDICATION TO A CHILD IN A LICENSED OR UNLICENSED CHILD CARE FACILITY WITHOUT PROPER AUTHORIZATION FROM THE CHILD'S PARENT OR GUARDIAN, is adopted and engrossed.

Upon motion of Senator Bingham, the Committee Substitute bill is re-referred to the **Judiciary II Committee**.

By Senator Garwood for the **Education/Higher Education Committee:**

S.B. 39, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Select Committee on Employee Hospital and Medical Benefits**, and upon a favorable report re-referred to the **Pensions & Retirement and Aging Committee**.

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

S.B. 235, A BILL TO BE ENTITLED AN ACT TO ALLOW A RETAILER THAT LEASES MOTOR VEHICLES AND THAT HAS PAID THE HIGHWAY USE TAX ON THE MOTOR VEHICLES TO PAY AN ADDITIONAL GROSS RECEIPTS TAX ON THE MOTOR VEHICLES, with a favorable report.

Upon motion of Senator Rand, the bill is placed on the Calendar for Tuesday, March 11.

March 5, 2003

PERSONAL PRIVILEGE

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

Senator Weinstein:

"Thank you, Mr. President. Last Thursday we heard comments from Senator Shaw and other members of our African American community on Black History Month. I was especially interested in the comments that were made concerning Tuskegee Institute and Booker T. Washington and Dr. George Washington Carver. As many of you know, I'm a stamp collector and the history of countries throughout the world is shown through their postage stamps. In 1940, the United States came out with a Famous American Series covering five categories and one category was education. They issued a one-cent, two-cent, three-cent, five-cent, and ten-cent stamp. Booker T. Washington was honored with the ten-cent stamp in the Famous American Series, but the first person of African American descent to have a stamp issued in his honor was in 1948 and that individual was from Tuskegee Institute and that individual was Dr. George Washington Carver who made many, many accomplishments in the field of agriculture. It's in this vein, Senator Shaw, that I enjoyed all these accounts and I looked through my collection and sure enough I have here that I would like to present to you a mint sheet of the Dr. George Washington Carver stamp that was issued in 1948 and I enjoyed your comments so much that I would like to give this to you."

Senator Shaw:

"Thank you, Mr. President. Ladies and gentlemen of the Senate, Senator Weinstein I am humbled by this gesture. I feel awful accepting this. This is such a rare edition that you have. I am deeply touched by it. Once again, you don't know the enjoyment that I got out of so many members of the Senate, Mr. President, participating in this celebration because this is an American celebration and you've certainly shown that amply well and for that I'm thankful. God bless you. Thank you sir."

SENATE PAGES

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

Colin Campbell Brown III, Raleigh; David L. Cole, Wingate; Lawrence Patrick Fleming III, Wilson; Sarah Caroline Hinton, Nashville; Brittany Phillips, Raleigh; Nina LaToya Stone, Clayton; Sara Elisabeth Sutton, Lumberton; Brandy Nicole Williams, Clayton; John Williamson, New Bern; and Romaine Clark Woodard, Wilson.

Upon motion of Senator Dannelly, seconded by Senator Hartsell, the Senate adjourns subject to introduction of bills, to meet tomorrow, Thursday, March 6, at 10:00 A.M.

INTRODUCTION OF BILLS

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

By Senator Apodaca:

S.B. 278, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HENDERSON.

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

By Senator Apodaca:

S.B. 279, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HENDERSON.

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

By Senator Apodaca:

S.B. 280, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF POLK.

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

By Senator Apodaca:

S.B. 281, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF POLK.

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

By Senator Foxx:

S.B. 282, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ASHE.

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

By Senator Foxx:

S.B. 283, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ALLEGHANY.

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

By Senator Foxx:

S.B. 284, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CALDWELL.

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

By Senator Foxx:

S.B. 285, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF WATAUGA.

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

By Senator Foxx:

S.B. 286, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF WILKES.

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

March 5, 2003

By Senator Apodaca:

S.B. 287, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF MILLS RIVER.

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

By Senator Apodaca:

S.B. 288, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE POLK COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS BOARD OF EDUCATION.

Referred to **Finance Committee**.

By Senators Reeves; Hartsell, Holloman, Kinnaird, Shubert, Stevens and Weinstein:

S.B. 289, A BILL TO BE ENTITLED AN ACT TO PERMIT THE COMMUNITY COLLEGES TO USE LITERACY FUNDS TO PROCURE COMPUTERS FOR LITERACY LABS.

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

By Senators Dorsett, Hagan and Berger:

S.B. 290, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT CITIES MAY ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS.

Referred to **Commerce Committee**.

By Senators Dorsett, Hagan and Berger:

S.B. 291, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS.

Referred to **Transportation Committee**.

By Senators Stevens; Carrington, Malone and Reeves:

S.B. 292, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF RALEIGH TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senators Thomas; Carpenter, Horton and Reeves:

S.B. 293, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING SALES REPRESENTATIVE COMMISSIONS.

Referred to **Judiciary II Committee**.

By Senator Thomas:

S.B. 294, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CRAVEN COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD TO PROVIDE ITS OWN LAW ENFORCEMENT PERSONNEL AND TO CONTRACT FOR ADDITIONAL LAW ENFORCEMENT SERVICES.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senators Thomas, Purcell; Ballantine, Bingham, Forrester, Foxx, Garwood, Reeves, Sloan and Swindell:

S.B. 295, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES TO SUPPORT NURSING SCHOLARSHIPS IN NORTH CAROLINA.

Referred to **Finance Committee**.

By Senator Kerr:

S.B. 296, A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT.

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

By Senator Kerr:

S.B. 297, A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT.

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

By Senator Kerr:

S.B. 298, A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT.

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

By Senator Kerr:

S.B. 299, A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT.

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

By Senator Kerr:

S.B. 300, A BILL TO BE ENTITLED AN ACT RELATING TO STATE AND LOCAL TAXATION.

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

By Senator Kerr:

S.B. 301, A BILL TO BE ENTITLED AN ACT RELATING TO FEES, BONDS, AND OTHER FINANCE MATTERS.

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

By Senator Kerr:

S.B. 302, A BILL TO BE ENTITLED AN ACT RELATING TO FEES, BONDS, AND OTHER FINANCE MATTERS.

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

By Senator Kerr:

S.B. 303, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATE AND LOCAL FINANCE LAWS.

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

By Senator Kerr:

S.B. 304, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO

STATE AND LOCAL FINANCE LAWS.

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

By Senator Kerr:

S.B. 305, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATE AND LOCAL FINANCE LAWS.

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

By Senators Pittenger; Apodaca, Ballantine, Berger, Bingham, Blake, Brock, Carpenter, Forrester, Foxx, Garwood, Hartsell, Hoyle, Rucho, Shubert, Sloan, Smith, Stevens, Tillman and Weinstein:

S.B. 306, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ZERO-BASED BUDGETING, EXCLUDING DIRECT SERVICES IN EDUCATION.

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

By Senators Albertson; Dorsett, Garrou, Gulley, Hoyle, Jenkins, Kerr, Malone, Moore and Purcell:

S.B. 307, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE STATE VETERINARIAN'S AUTHORITY TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND MOUTH-DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE AND MADE OTHER TECHNICAL AND CONFORMING CHANGES.

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

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 3:21 P.M.

TWENTY-SECOND DAY

Senate Chamber
Thursday, March 6, 2003

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

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

"Our Father, holy scripture teaches us that when we hear your words and act on them it's like building a house on a rock. The rains fall, the winds blow, but the house stands. Our decisions and our actions when based on Your leadership are solid as a rock.

"So today we have options in the way we choose to live our lives. We can throw stones, we can stumble on them, we can climb over them, or we can build on top of them.

"Help us to choose the latter, for Your sake. Amen."

The Chair grants leaves of absence for today to Senator Albertson, Senator

Basnight, Senator Clodfelter, Senator Forrester, Senator Metcalf, Senator Reeves, Senator Smith and Senator Weinstein.

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

The Deputy President Pro Tempore of the Senate extends courtesies of the floor to Dr. Charles D. Harr from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day.

APPOINTMENT BY THE GOVERNOR



STATE OF NORTH CAROLINA

Office of the Governor

20301 Mail Service Center • Raleigh, NC 27699-0301

MICHAEL F. EASLEY
GOVERNOR

March 4, 2003

The Honorable Marc Basnight
The Honorable James Black
The Honorable Richard Morgan
NC General Assembly
Raleigh, NC 27601

Dear President Pro-Tem Basnight, Speaker Black and Speaker Morgan:

Please be advised that Mr. Joseph A. Smith, Jr., will be reappointed as North Carolina Commissioner of Banks, effective April 1, 2003. As you know, Mr. Smith has served as Commissioner of Banks since June 1, 2002 when he was appointed to fill the unexpired term of Mr. Hal Lingerfelt.

As provided for in G.S. §53-92, Mr. Smith's reappointment is subject to reconfirmation by the General Assembly by joint resolution.

Enclosed are copies of Mr. Smith's resume and the most recent statement of economic interest. Please feel free to contact Sondra Davis, my Director of Boards and Commissions, should you require additional information. She can be reached at (919) 715-0966.

With kindest regards, I remain

Very truly yours,

A handwritten signature in black ink that reads "Mike Easley".

Michael F. Easley

March 6, 2003

MFE:bc

cc: The Honorable R.C. Soles, Jr.
The Honorable Walter Church, Sr.
The Honorable Edgar V. Starnes
Ms. Janet Pruitt
Ms. Denise Weeks

Referred to the **Commerce 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 46, Immediate Eligibility for Unemployment Benefits in Wake of Major Industrial Disaster in Lenoir County.

Executive Order Number 47, Waiver of the Rules and Regulations Limiting the Hours of Operators of Certain Commercial Vehicles and the Weight Restrictions on Certain Vehicles.

INTRODUCTION OF BILLS

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

By Senator Malone:

S.B. 308, A BILL TO BE ENTITLED AN ACT RELATING TO THE 14TH SENATORIAL DISTRICT.

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

By Senator Malone:

S.B. 309, A BILL TO BE ENTITLED AN ACT RELATING TO THE 14TH SENATORIAL DISTRICT.

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

By Senator Malone:

S.B. 310, A BILL TO BE ENTITLED AN ACT RELATING TO THE 14TH SENATORIAL DISTRICT.

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

By Senator Malone:

S.B. 311, A BILL TO BE ENTITLED AN ACT RELATING TO THE 14TH SENATORIAL DISTRICT.

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

By Senator Malone:

S.B. 312, A BILL TO BE ENTITLED AN ACT RELATING TO THE 14TH SENATORIAL DISTRICT.

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

By Senator Malone:

S.B. 313, A BILL TO BE ENTITLED AN ACT RELATING TO THE 14TH SENATORIAL DISTRICT.

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

By Senator Hargett:

S.B. 314, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE TOWN OF RICHLANDS.

Referred to **Finance Committee**.

By Senator Horton:

S.B. 315, A BILL TO BE ENTITLED AN ACT RELATING TO CONTRACTS OF MINORS FOR ARTISTIC OR CREATIVE SERVICES.

Referred to **Judiciary I Committee**.

By Senator Forrester:

S.B. 316, A BILL TO BE ENTITLED AN ACT RELATING TO THE 42ND SENATORIAL DISTRICT.

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

By Senator Hartsell:

S.B. 317, A BILL TO BE ENTITLED AN ACT RELATING TO THE 36TH SENATORIAL DISTRICT.

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

By Senator Hartsell:

S.B. 318, A BILL TO BE ENTITLED AN ACT RELATING TO THE 36TH SENATORIAL DISTRICT.

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

By Senator Hartsell:

S.B. 319, 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. 320, 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. 321, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROWAN.

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

By Senators Hartsell; Albertson and Clodfelter:

S.B. 322, A BILL TO BE ENTITLED AN ACT REQUIRING THE INTERCONNECTION OF PUBLIC WATER SYSTEMS OR WASTEWATER SYSTEMS TO REGIONAL SYSTEMS WHEN NECESSARY TO PROMOTE

PUBLIC HEALTH, PROTECT THE ENVIRONMENT, AND ENSURE COMPLIANCE AND TO REQUIRE THAT AN ANALYSIS OF REASONABLE ALTERNATIVES BE DONE BEFORE CONSTRUCTING OR ALTERING A PUBLIC WATER SYSTEM.

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

By Senator Hartsell:

S.B. 323, A BILL TO BE ENTITLED AN ACT TO PROTECT THE CONFIDENTIALITY OF INFORMATION RECEIVED BY THE LICENSING BOARD FOR GENERAL CONTRACTORS WHILE CONDUCTING AN INVESTIGATION OF A LICENSEE AND TO CLARIFY WHEN THE BOARD MAY SEEK INJUNCTIVE RELIEF.

Referred to **Judiciary II Committee**.

By Senator Hoyle:

S.B. 324, A BILL TO BE ENTITLED AN ACT TO INCREASE THE HOMEOWNERS RECOVERY FUND PERMIT FEE.

Referred to **Finance Committee**.

By Senators Hoyle; Allran, Apodaca, Berger, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garwood, Hargett, Jenkins, Kerr, Moore, Pittenger, Queen, Rand, Rucho, Shubert, Sloan, Soles, Stevens, Thomas and Weinstein:

S.B. 325, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEATH OF A FIREMAN BY HEART ATTACK WHILE ON DUTY OR WITHIN TWENTY-FOUR HOURS AFTER PARTICIPATING IN A TRAINING EXERCISE OR RESPONDING TO AN EMERGENCY SITUATION IS A QUALIFYING EVENT FOR PURPOSES OF DEATH BENEFITS UNDER THE LAW-ENFORCEMENT OFFICERS', FIREMEN'S, RESCUE SQUAD WORKERS', AND CIVIL AIR PATROL MEMBERS' DEATH BENEFITS ACT.

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

By Senators Hoyle and Clodfelter:

S.B. 326, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON SOLICITING A VIOLATION OF OR CONSPIRING TO VIOLATE THE LAW MAKING IT A MISDEMEANOR FOR EMPLOYING UNITS TO MAKE FALSE STATEMENTS TO THE EMPLOYMENT SECURITY COMMISSION IS GUILTY OF A FELONY, SO AS TO DETER THE PRACTICE OF STATE EMPLOYMENT TAX AVOIDANCE (SUTA DUMPING).

Referred to **Judiciary I Committee**.

Upon motion of Senator Stevens, seconded by Senator Purcell, the Senate adjourns at 10:16 A.M. to meet Monday, March 10, at 7:00 P.M.

TWENTY-THIRD DAY

Senate Chamber
Monday, March 10, 2003

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:

"Ever present God, the Senate begins a new week with a full calendar of activities. Thank you for the gift of self-discipline that allows us to order our lives in advance by the day, and hour, and even by the minute.

"During this busy week, help us to also give attention to the order of our souls. Successful living, whether it is controlling our tempers, our appetites, or our inclinations is determined by the correct order of our souls.

"Help us keep our souls in touch with You, O God, the same way we have learned to schedule our calendars - through practice. Amen."

The Chair grants leaves of absence for tonight to Senator Ballantine, Senator Kinnaird, Senator Moore and Senator Queen.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, March 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. Cynthia A. Hampton from Henderson, North Carolina, who is serving the Senate as Doctor of the Day, and to Julia Aucoin from Durham, North Carolina, who is serving the Senate as Nurse of the Day.

WITHDRAWAL FROM COMMITTEE

S.J.R. 264, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF WENDELL ON THE TOWN'S 100TH ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on March 3.

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 before the Senate for immediate consideration, 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 before the Senate for immediate consideration.

Senator Malone offers Amendment No. 1 which is adopted (41-0) and ordered engrossed.

The joint resolution is placed on the Calendar for tomorrow, Tuesday, March 11.

The President extends privileges of the floor to Minister Eduardo Salcedo-Penarrieta, the General Consul for Peru from Washington D.C. and his daughter, Karen Salcedo.

March 10, 2003

WITHDRAWAL FROM COMMITTEE

S.J.R. 171, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HARLAN E. BOYLES, FORMER STATE TREASURER, referred to the **Rules and Operations of the Senate Committee** on February 25.

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, March 12, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Wednesday, March 12.

SENATE PAGES

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

Katherine Bremer, Roxboro; Niki Buresh, Candler; Jennifer Kay Campbell, Fort Bragg; Kaitlin Carr, Clinton; Hannah C. Craddock, Cary; Jessica Shelaine Fuller, Sanford; Eliza Jane Harris, Pittsboro; Kathrine Lea Little, Greensboro; Erin McCaskey, Morrisville; Megan E. Milsapps, Greensboro; Kathryn Elizabeth Oglesby, Durham; Rebecca Parrish, Garner; Sarah Richardson, Aberdeen; Laura Robertson, Cary; Sara Singletary, Iron Station; Chanel Spears, Hope Mills; Gabrielle Triplett, Hickory; and Catherine Grace Warner, Lumberton.

Upon motion of Senator Basnight, seconded by Senator Hartsell, the Senate adjourns subject to introduction of bills and reading of messages from the House of Representatives to meet tomorrow, Tuesday, March 11, at 2:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Soles:

S.J.R. 327, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENT OF JOSEPH A. SMITH, JR. AS COMMISSIONER OF BANKS.

Referred to **Commerce Committee**.

By Senator Brock:

S.B. 328, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF JONESVILLE.

Referred to **Finance Committee**.

By Senator Purcell:

S.B. 329, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NURSE TESTIMONIAL PRIVILEGE.

Referred to **Judiciary I Committee**.

By Senators Reeves; and Malone:

S.B. 330, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF RALEIGH, THE TOWN OF HOLLY SPRINGS, AND WAKE COUNTY 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.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senators Allran; Brock, Carpenter, Forrester, Foxx, Garwood, Horton, Shubert, Sloan, Smith, Stevens, Tillman and Weinstein:

S.B. 331, A BILL TO BE ENTITLED AN ACT TO PROTECT FAMILIES BY PROVIDING THAT PHOTOGRAPHS AND VIDEO OR AUDIO RECORDINGS MADE PURSUANT TO AN AUTOPSY ARE NOT A PUBLIC RECORD.

Referred to **Judiciary II Committee**.

By Senator Thomas:

S.B. 332, A BILL TO BE ENTITLED AN ACT RELATING TO THE 2ND SENATORIAL DISTRICT.

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

By Senator Thomas:

S.B. 333, A BILL TO BE ENTITLED AN ACT RELATING TO THE 2ND SENATORIAL DISTRICT.

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

By Senator Thomas:

S.B. 334, A BILL TO BE ENTITLED AN ACT RELATING TO THE 2ND SENATORIAL DISTRICT.

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

By Senator Thomas:

S.B. 335, A BILL TO BE ENTITLED AN ACT RELATING TO THE 2ND SENATORIAL DISTRICT.

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

By Senator Dalton:

S.B. 336, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO THE COMMUNITY COLLEGE SYSTEM.

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

By Senators Hargett; Albertson, Apodaca, Ballantine, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Dannelly, Dorsett, Forrester, Foxx, Garwood, Holloman, Horton, Hoyle, Kerr, Malone, Queen, Rucho, Shubert, Sloan, Stevens, Swindell, Thomas, Tillman and Webster:

S.B. 337, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL NORTH CAROLINA COASTAL FEDERATION REGISTRATION PLATES.

Referred to **Finance Committee**.

March 10, 2003

By Senators Queen, Tillman; Albertson, Allran, Apodaca, Ballantine, Berger, Bingham, Blake, Brock, Carpenter, Clodfelter, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Hoyle, Jenkins, Kinnaird, Lucas, Moore, Purcell, Rand, Reeves, Shaw, Shubert, Sloan, Smith, Stevens, Swindell, Thomas, Webster and Weinstein:

S.B. 338, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE LAW PROVIDING THAT CERTAIN SECONDARY SUPPLIERS OF ELECTRIC SERVICE MAY FURNISH SERVICE WITHIN THE CORPORATE LIMITS OF A CITY WITH WRITTEN CONSENT FROM THE CITY, ALLOWING THE MEMBERS OF AN ELECTRIC MEMBERSHIP CORPORATION TO VOTE BY PROXY ON DECISIONS TO ENCUMBER CORPORATE PROPERTY OR TO DISSOLVE THE CORPORATION, AND MAKING TECHNICAL CHANGES TO THE LAW REGARDING MUNICIPAL ELECTRIC SERVICE.

Referred to **Commerce Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 58, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS.

Referred to **Judiciary II Committee**.

ADDITIONAL SPONSOR

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

S.B. 27, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROTECT EMPLOYER CONTRIBUTION RATES BUDGETED FOR THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM IN THE SAME MANNER AS RETIREMENT SYSTEM FUNDS.

S.B. 96, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A "CHOOSE LIFE" SPECIAL LICENSE PLATE.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:31 P.M.

TWENTY-FOURTH DAY

Senate Chamber
Tuesday, March 11, 2003

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 Governor Easley's State-of-the-State address he said that the prospect for bipartisan cooperation has never been better in the Legislature, indicating that progress can be made on important issues. Lord knows we all want progress!

"But sometimes I think we are lulled into thinking that progress can only be made when we, as reasonable people, adapt ourselves to the world.

"But You, O God, have taught us that the world's ways are not always Your ways. Many times the greatest progress is achieved when we think the unthinkable and, against great odds, dare the impossible.

"If that is the case, help us to be unreasonable people. For Your sake and for the sake of progress, Amen."

The Chair grants leaves of absence for today to Senator Ballantine and Senator Hoyle.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, March 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. Robert M. Palmer from Tryon, North Carolina, who is serving the Senate as Doctor of the Day, and to Donna Sims from High Point, 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 Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 307, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE STATE VETERINARIAN'S AUTHORITY TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND MOUTH-DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE AND MADE OTHER TECHNICAL AND CONFORMING CHANGES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

March 11, 2003

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35088, which changes the title to read **S.B. 307** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE, is adopted and engrossed.

PROCLAMATION FROM THE GOVERNOR

The President instructs the Reading Clerk to read the following Proclamation issued by Governor Michael F. Easley on February 27, 2003.

Proclamation of a State of Emergency by the Governor of the State of North Carolina. (The Proclamation was issued as a result of an imminent winter storm across the Triad Region of the State.)

CALENDAR

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

S.B. 235, A BILL TO BE ENTITLED AN ACT TO ALLOW A RETAILER THAT LEASES MOTOR VEHICLES AND THAT HAS PAID THE HIGHWAY USE TAX ON THE MOTOR VEHICLES TO PAY AN ADDITIONAL GROSS RECEIPTS TAX ON THE MOTOR VEHICLES, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Wednesday, March 12, upon third reading.

S.B. 34, A BILL TO BE ENTITLED AN ACT TO REESTABLISH THE HIGHWAY TRUST FUND STUDY COMMITTEE.

Upon motion of Senator Gulley, the President, orders, without objection, the bill temporarily displaced.

S.J.R. 264, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF WENDELL ON THE TOWN'S 100TH ANNIVERSARY.

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

The joint resolution passes its second reading (48-0) and third reading with members standing, and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Malone the President extends the courtesies of the gallery to George Pleasants, Chairperson of the Wendell Centennial Celebration;

Ulma Mae Life, Executive Director of the Wendell Chamber of Commerce; and Sheri Hedrick, Chairperson of the Wendell Chamber of Commerce.

S.B. 34, A BILL TO BE ENTITLED AN ACT TO REESTABLISH THE HIGHWAY TRUST FUND STUDY COMMITTEE, temporarily displaced earlier.

Senator Gulley offers Amendment No. 1 which is adopted (46-2).

The bill, as amended, passes its second reading (44-4).

Senator Gulley offers Amendment No. 2 which is adopted (46-2).

The bill, as amended, passes its third reading (44-4) and is ordered engrossed and sent to the House of Representatives.

COMMITTEE APPOINTMENTS

Senator Basnight, announces the establishment of the **Select Committee on Military Affairs** and appoints the following members:

Senator Hargett, Chair; Senator Ballantine, Senator Carrington, Senator Dannelly, Senator Dorsett, Senator Forrester, Senator Kerr, Senator Rand, Senator Sloan and Senator Thomas.

Senator Basnight, announces the establishment of the **Select Committee on Insurance and Civil Justice Reform** and appoints the following members:

Senator Rand, Co-Chair; Senator Hoyle, Co-Chair; and Senator Clodfelter, Co-Chair; Senator Apodaca, Senator Berger, Senator Bingham, Senator Forrester, Senator Gulley, Senator Hagan, Senator Hartsell, Senator Holloman, Senator Horton, Senator Lucas, Senator Pittenger, Senator Purcell, Senator Queen, Senator Soles, Senator Swindell and Senator Thomas.

Upon motion of Senator Basnight, seconded by Senator Kerr, the Senate adjourns subject to introduction of bills, to meet tomorrow, Wednesday, March 12, at 3:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Holloman:

S.B. 339, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN AIRPORT AUTHORITIES TO ENTER INTO INSTALLMENT CONTRACTS.

Referred to **Finance Committee**.

By Senator Brock:

S.B. 340, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DAVIE.

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

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By Senator Brock:

S.B. 341, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF DAVIE.

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

By Senator Brock:

S.B. 342, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROWAN.

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

By Senator Brock:

S.B. 343, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROWAN.

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

By Senator Brock:

S.B. 344, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF YADKIN.

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

By Senator Brock:

S.B. 345, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF YADKIN.

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

By Senators Purcell, Swindell; Apodaca and Foxx:

S.B. 346, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON THE LONG-TERM CARE INSURANCE TAX CREDIT.

Referred to **Commerce Committee**.

By Senator Carpenter:

S.B. 347, A BILL TO BE ENTITLED AN ACT RELATING TO THE 50TH SENATORIAL DISTRICT.

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

By Senator Carpenter:

S.B. 348, A BILL TO BE ENTITLED AN ACT RELATING TO THE 50TH SENATORIAL DISTRICT.

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

By Senator Carpenter:

S.B. 349, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF CASHIERS.

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

By Senator Carpenter:

S.B. 350, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF FRANKLIN.

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

By Senator Carpenter:

S.B. 351, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF MURPHY.

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

By Senator Carpenter:

S.B. 352, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF SYLVA.

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

By Senators Bingham; Apodaca, Garwood and Smith:

S.B. 353, A BILL TO BE ENTITLED AN ACT TO REQUIRE SOLICITORS OF CHARITABLE SOLICITATIONS THAT REQUEST CONTRIBUTIONS BY TELEPHONE TO, WHEN REQUESTED BY THE PERSON BEING SOLICITED ON THE TELEPHONE, CLEARLY DISCLOSE TO THAT PERSON AT THE TIME OF THE REQUEST THE FIXED PERCENTAGE OF THE GROSS REVENUES THAT THE CHARITABLE ORGANIZATION OR SPONSOR WILL RECEIVE AS A BENEFIT FROM THE SOLICITATION CAMPAIGN AND SEND THAT PERSON A COPY OF THE SOLICITOR'S MOST RECENT FINANCIAL REPORT, TO REQUIRE THIS PERCENTAGE TO BE INCLUDED IN THE SOLICITOR'S FINANCIAL REPORT, AND TO PROHIBIT A PERSON FROM MISREPRESENTING THIS REQUESTED INFORMATION.

Referred to **Judiciary II Committee**.

By Senator Hartsell:

S.B. 354, 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 II Committee**.

By Senators Stevens; Carrington, Malone and Reeves:

S.B. 355, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WAKE FOREST TO USE TOWN LABOR FOR PHASED CONSTRUCTION OF ELECTRICAL DISTRIBUTION FEEDER CIRCUITS AND FOR CONSTRUCTION OF AN ELECTRIC SUBSTATION WITHOUT REGARD TO THE DOLLAR VALUE OF THE LABOR.

Referred to **Commerce Committee**.

By Senators Swindell and Holloman:

S.B. 356, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF HENDERSON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senator Swindell:

S.B. 357, A BILL TO BE ENTITLED AN ACT TO ALLOW FRANKLIN COUNTY TO ACQUIRE PROPERTY FOR AIRPORT PURPOSES BY USING

THE "QUICK TAKE" PROCEDURE.

Referred to **Finance Committee**.

By Senator Swindell:

S.B. 358, A BILL TO BE ENTITLED AN ACT RELATING TO THE 11TH SENATORIAL DISTRICT.

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

By Senators Garrou; Horton and Shubert:

S.B. 359, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE FORSYTH COUNTY BOARD OF EDUCATION TO APPLY FOR AND BE GRANTED A CHARTER TO OPERATE A CHARTER SCHOOL.

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

By Senators Dorsett; Albertson, Dannelly, Hagan, Holloman, Malone and Metcalf:

S.B. 360, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY TO USE AS MATCHING FUNDS.

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

By Senator Metcalf:

S.B. 361, A BILL TO BE ENTITLED AN ACT RELATING TO THE 49TH SENATORIAL DISTRICT.

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

By Senator Metcalf:

S.B. 362, A BILL TO BE ENTITLED AN ACT RELATING TO THE 49TH SENATORIAL DISTRICT.

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

By Senator Metcalf:

S.B. 363, A BILL TO BE ENTITLED AN ACT RELATING TO THE 49TH SENATORIAL DISTRICT.

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

By Senator Metcalf:

S.B. 364, A BILL TO BE ENTITLED AN ACT RELATING TO THE 49TH SENATORIAL DISTRICT.

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

By Senators Lucas, Garwood and Metcalf:

S.J.R. 365, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THREE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

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

By Senators Lucas, Garwood and Metcalf:

S.J.R. 366, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

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

By Senator Hagan:

S.B. 367, A BILL TO BE ENTITLED AN ACT RELATING TO THE 27TH SENATORIAL DISTRICT.

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

By Senator Hagan:

S.B. 368, A BILL TO BE ENTITLED AN ACT RELATING TO THE 27TH SENATORIAL DISTRICT.

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

By Senator Hagan:

S.B. 369, A BILL TO BE ENTITLED AN ACT RELATING TO THE 27TH SENATORIAL DISTRICT.

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

By Senators Gulley; and Carpenter:

S.B. 370, A BILL TO BE ENTITLED AN ACT TO BRING STATE LAW INTO COMPLIANCE WITH RECENTLY ADOPTED FEDERAL REGULATIONS CONCERNING THE EFFECT OF VIOLATION OF IMPAIRED DRIVING, RAILROAD CROSSING SAFETY, AND OTHER STATE LAWS ON COMMERCIAL DRIVERS LICENSES, AND REQUIRING A NEW "S" ENDORSEMENT FOR PERSONS OPERATING SCHOOL BUSES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to **Judiciary I Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:04 P.M.

TWENTY-FIFTH DAY

Senate Chamber
Wednesday, March 12, 2003

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:

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"Almighty God and Creator, seeing the children in the gallery before session began, it occurred to me that in a world that seems more divided each day, You have bound us together in this life. Give us the grace to understand how our lives depend upon the courage, the honesty, and the integrity of each other. Whether it is in an elementary school classroom, on the floor of the Senate Chamber, in Congress, or the United Nations, there is an eternal destiny which makes all of us brothers and sisters. Show us how to live accordingly. In your Holy Name we pray, Amen."

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, March 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 Pro Tempore of the Senate extends courtesies of the floor to Dr. Joseph D. Whitlark from Kinston, North Carolina, who is serving the Senate as Doctor of the Day, and to Kathy Johnson from Goldsboro, North Carolina, who is serving the Senate as Nurse of the Day.

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. 264, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF WENDELL ON THE TOWN'S 100TH ANNIVERSARY. (Res. 4)

REPORTS OF COMMITTEES

Bills and a resolution 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 Purcell for the **Health and Human Resources Committee**:

S.B. 244, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO RECOGNIZE RETIRED NURSES BY SPECIAL LICENSURE STATUS AND TO ESTABLISH A FEE FOR THIS STATUS, with a favorable report.

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

By Senator Lucas for the **Education/Higher Education Committee**:

S.R. 174, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, with an unfavorable report as to resolution, but favorable as to Committee Substitute resolution.

Pursuant to Rule 45.1, the proposed Committee Substitute resolution 35098, is adopted and engrossed.

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

S.B. 30, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF DALLAS TO AUTHORIZE THE BOARD OF ALDERMEN TO DELEGATE THE AUTHORITY TO SUSPEND OR REMOVE EMPLOYEES, with a favorable report.

S.B. 139, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A PROGRAM FOR COLLECTION OF WORTHLESS CHECKS IN GUILFORD COUNTY, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 123, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF LUMBERTON TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed, and changes the title to read **S.B. 123**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIES OF CLINTON AND LUMBERTON AND THE TOWN OF FRANKLIN TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 11, A BILL TO BE ENTITLED AN ACT TO REPEAL ONLY THOSE STATUTES WHICH HAVE BEEN DECLARED UNCONSTITUTIONAL BY A STATE OR FEDERAL COURT OF COMPETENT JURISDICTION AND FROM WHICH NO APPEAL HAS BEEN TIMELY PERFECTED OR THE APPEAL HAS BEEN FULLY CONCLUDED ADVERSELY TO THE STATE.

Referred to **Judiciary I Committee**.

CALENDAR

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

S.J.R. 171, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HARLAN E. BOYLES, FORMER STATE TREASURER.

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

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Senator Rand:

"Thank you very much, Mr. President. Ladies and gentlemen of the Senate, when you hear this resolution read it is an amazing account of an amazing life, but yet it is unable to really convey the nature of the person that I think a lot of us knew so well because I think that anything, just a writing like this, is unable just to convey the true style and grace and everything that Harlan was. When you think about it, he was born at the beginning of the Great Depression. He was twelve years old when World War II started. He was fifteen when he was struck by polio. This was a time in the life of our Country that was really a period that very few of us in here can really equate to very well. I can remember the end of World War II but that's about all I can remember about it. So I'm sure his early experiences were marked by the Depression and were marked by what this Nation went through in World War II and then, of course, I guess the defining event in his life was his bout with polio. Nothing ever deterred Harlan. He went through that I'm sure as he went through everything else, with a good humor, with determination. He finished his education, went to Chapel Hill, got his degree, got his CPA and devoted his entire life to the service, really, of his State and his people. When you think about public service and when you think about the kind of state North Carolina is and the things in which we all take such great pride, Harlan had a great deal to do with every bit of it, the university system, the community college system, the financial integrity that we all value so much, all of these things, the business community. Everybody honored him for the kind of job that he did and he took all of that with a grain of salt, as everything else he did. I'm sure it didn't puff him up or, I think he probably wore the same size hat toward the end of his life as he did as a young man. He never got the big head. He was always level and always the same great fellow every time you saw him.

"He was truly fortunate, I know, and valued greatly his association with some of his other friends on the Council of State. He and Jim Graham had a wonderful relationship and Thad Eure, I mean the kind of people that he had to associate with and deal with during those times. It was a wonderful period in the life of North Carolina's government and he was such an important part of it. But all of these things he did not ever for himself, but always for North Carolina and its people. Anything we dealt with that involved the retirement system, that involved anything in state government we always wanted to know how Harlan looked at it because we knew he would give us the straight of it. He talked about the obligation of North Carolina, the history of North Carolina, what North Carolina was, and what it meant and I think that was such an important part of everything he meant to all of us. I don't think you can overestimate what North Carolina's credit rating has meant and what it has meant to local government. The Local Government Commission and all of that has really been a great gift to our people and has helped North Carolina weather many a storm and I hope that in the days to come we'll remember everything that Harlan did and Harlan said and keep that as a guide for us as we continue to sail the troubled seas in which we find ourselves at this time.

"It is wonderful to have the memory of Harlan, his spirit shines as bright as anything you can ever see, as the sun, because he was a wonderful inspiration to all of us, the way he looked at life and the way he looked at every situation, and the way he went about everyday helping the State and making all of us feel better about what we were doing.

"He was devoted to Frankie and his children, of course. It was a wonderful family and they have meant so much to North Carolina and all of us and all our friends.

They were very nice to my family. Back in 1988 when we were all running, they'd get together on a bus and ride around and Ripley went with them back then and it was wonderful to see the way they would treat him and just the way they treated everybody, so we owe him a great deal, Mr. President and ladies and gentlemen of the Senate. His memory will stay with all of us. It will be a tribute, I think, to our State and the way we look at the financial world and the way we look at our obligations to the people of North Carolina and for that we are grateful to Harlan Boyles, we are grateful to his family for allowing us to have him. His memory, of course, will stay with us on and on. Thank you Mr. President."

Senator Hoyle:

"Thank you Mr. President, members of the Senate. I first met Harlan Boyles about thirty-five years ago. As Mayor of the thriving metropolitan town of Dallas, North Carolina, I made the long trip to Raleigh to meet with the Treasurer's Office to talk about some debt that the town was beginning to undertake and I didn't have any idea who I would be meeting with. Edwin Gill was the Treasurer and we had set up a meeting through his office, and lo and behold I had the opportunity to meet with Harlan Boyles. We talked about our situation, a problem, the things we wanted to do for our community. We got that business behind us and then we sat with one another for at least thirty or forty-five minutes and started talking about things back home. I didn't know until then that Harlan grew up, was born, and had deep family roots in west Lincoln County, a small community there. That's where my family hailed from, where my roots were. As we talked, we talked about mutual friends and neighbors and all, but we probably determined that somewhere back we may have been related or were related distantly, of course. We never made that public because Harlan was not really sure what kind of Mayor I was going to be, whether I was going to be fiscally prudent, or sound or not, but we did enjoy a great conversation that day and I really, really grew to admire the man. When Harlan then ran for Treasurer I had the privilege of working for him and supporting him in those efforts.

"On many occasions when I came into the Senate and Senator Kerr and I started working on the Finance Committee, we would call Harlan over. As Senator Rand said, we always called Harlan in to see how Harlan felt about issues. Harlan would come over and meet with John and I sometimes privately, other times before the committee and he would be very candid with us and sometimes he would get on us a little bit, John, I think about some of the fiscal policies that the State was undertaking, not that you and I were to blame for all of it, but certainly we had our responsibility for some of it. Harlan was a man who was very candid, very frank, but very honest.

"We all have some regrets in life and a mutual friend called me about a couple of weeks, a week and a half before Harlan passed away and said Harlan is in the hospital and here's his phone number. Call him. Well, I made two calls to the hospital and found out that Harlan had been transferred into another room and I had to get another number and I did that the next day, called and did not get an answer, Frankie. I said, 'Well, I'll just wait until Harlan gets home and I'll call him at home.' Well I didn't get the call made and I regret that because I wanted to say goodbye to a good friend.

"Harlan leaves a great legacy. He leaves a legacy of great honesty, integrity. He loved his family, he loved North Carolina. We will miss him, but the family can take solace in the fact that he does leave a great legacy for all of you. God bless you."

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Senator Albertson:

"Thank you Mr. President and members of the Senate. I don't know what I can add to what has already been said so eloquently, but there are several things I will always remember about this great man. If you ever went to talk to Harlan Boyles, you had his undivided attention. He heard everything you had to say. He made you feel like you were one of the most special persons that had ever been born. I will always remember when he would come into the finance room to give a presentation. Everybody would get quiet to see what this man had to say because they knew without a doubt he was telling the truth as he saw it about the issues that affected our great State. I always thought he had all those qualities that make for the very best public servants. It was obvious to me and I think to all of us who knew him and served with him that he was dedicated solely with everything within his soul to serve the people of this State to the very best of his ability. He would always tell you the truth as he saw it. What a wonderful man he was and our State is a much better place because he came this way and I believe I may be as well. I commend this resolution to you."

Senator Foxx:

"Thank you Mr. President. Ladies and gentlemen I want to say amen to all those comments that have been made. They have been very eloquent, but I would like to speak about Harlan from a personal point of view and from the contributions that he made to Appalachian State University. Everyone at Appalachian loves Harlan very much. He lent his name and his reputation and his distinction to Appalachian and we are all very grateful for that. The Harlan Boyles Lecture Series was begun in 1991 and Harlan went to every single program, over thirty of them, he never missed a single one. I talked to Dean Ken Peacock a little bit about the lecture series and about Harlan's being there. I went to as many of the talks as I could go. They brought in business leaders from across the State, and indeed across the Country to speak to students in a forum, and I'm sure many of you have been there, also. The thing that always struck everybody was how patient Harlan was to talk with the students. He would be invariably the last person who would leave the auditorium when the lecture would be over. He would stay and talk to students and he would stand and talk to the students and that I think was very, very important and he would always be the last one to leave. He was an honored UNC graduate, but we are so grateful to him that he loved the mountains, and the people there, and wanted so much to lend his support and his name to what went on there. What he did had tremendous ramifications for students and faculty at Appalachian because by bringing businesspeople there they became acquainted with the programs, they helped develop internships for the students there, they gave money, they helped establish scholarships and so what he did was extremely important. The Appalachian Press produced the book, *Keeper of the Public Purse*, and again Harlan did not do that to glorify himself, but he did it to help endow the lecture series and the scholarship there that's given in his name. We all know how humble Harlan was. He never did anything for himself, but always would do things to help other people.

"I'm a graduate of Crossnore High School. Harlan graduated from there in 1947 and I in 1961 and that gave Harlan and me a special bond. I knew Dr. Mary Martin Sloope, also, and Harlan was as gracious to me as Senator Albertson said. I had occasion every once in a while as President of Mayland Community College to speak to Harlan privately and I would go to his office and, as Senator Albertson said, he

made you feel like you were the most important person there that day. He never was rushed and he set a wonderful tone for the Treasurer's Office. As I saw some of the folks that worked with Harlan earlier today, I thought about that. They all picked up on Harlan's style. They are all wonderful people of unquestioned integrity, people who care greatly about this State. So what Harlan did was to establish a tone there and bring in other people so that his style and his leadership could be spread on a much wider basis and I'm very grateful for having known Harlan personally and for all that he did for our area, especially through Appalachian State University."

Senator Metcalf:

"Thank you Mr. President. Ladies and gentlemen of the Senate, it's very difficult to follow the many wonderful things that have been said about Harlan and I guess what I'd like to do is speak from maybe just a little bit of a different angle.

"In terms of the impact that Harlan had on the lives of so many public managers across the State, and I think Senator Stevens you can attest to this, Harlan appreciated the work of county managers and public finance folks and the folks who worked in the local governments. Senator Rand spoke to his grace and I must tell you just one quick story if I may that I think that on a personal level, has always meant a great deal to me and has always defined what Harlan was all about beyond the public career and the public man that we all saw. I was County Manager in Buncombe County and I had only been Manager for a couple of years and I was a young manager not only in age, but also in terms of experience, and we were putting together a major bond package, a major package that we needed to bring down to be approved by the Local Government Commission. I was in our office with our finance director and our consultant and I said, 'Tell me about this Local Government Commission. Who has to present this.' They said, 'Well you do, Mr. Manager.' Quite frankly I didn't totally understand the package then, and I know I don't now. As we got in there we went through the process and to a new manager it was somewhat of an intimidating process. You had the famous Harlan Boyles there and the other members of the Local Government Commission, but he was kind and gracious. They asked their questions and we did the best to respond to them and where I couldn't obviously our consultant and our finance director did. They approved our package and it was a very complicated package for us, a major package for the county. We started to leave and as we walked out I think Harlan sensed my reluctance to be in the same room presenting to him and my apprehension about the whole thing. He reached out and he brought me over just as I got to the desk as I was walking by him and he looked at me and he said, 'Young man, you did your County a good day's work.' I shall never forget that. It was in terms of my own confidence and what I was doing and what I was about and that's what Harlan did. He encouraged everybody around him and made them better, better at what they do. We will miss him. I urge this resolution. Thank you."

Senator Ballantine:

"Thank you Mr. President. Ladies and gentlemen of the Senate, I rise to speak in support of this resolution to honor one of our greatest public servants who was in public service for over forty years and he was a treasure of a treasurer and in his treasure trove was not gold coinage, but information and knowledge.

"Every time I needed to speak to Harlan he was there. Sometimes I would go over to his office. I felt obligated to go to his office but many times, even on his little

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scooter, he would come over to my office and that didn't bother him. He wrote *Keeper of the Public Purse* in 1994 and back then I said it was the Bible of public finance in North Carolina. It truly is a primer for all elected officials to read. It is incredibly prophetic when you look at what he predicted almost ten years ago. He was very conservative as you know, was very proud of our AAA bond rating and I won't go into great detail, but the subtitle of his book, *Keeper of the Public Purse, gives a great synopsis, Phenomenal Growth in Taxing and Spending, Modest Growth in the Number of People Served, a Coming Clash Between Tax Payers and Tax Users*. He didn't just complain, he gave recommendations and I believe if we all heeded the advice in this book we would have a much better state government. We all owe a great debt of gratitude to Harlan Boyles and I urge your adoption. Thank you."

Senator Webster:

"What Harlan Boyles did for this State is unimaginable. I wish that I thought that we might find someone of his ability and his integrity. Maybe we will someday. The currency that he gave us, the rating that he held up for North Carolina, and is largely responsible, is that of a State of honor and integrity. He held out that banner for all of us to follow. He made me proud to be a CPA, proud to be of the same profession as Harlan Boyles. For all of you young people, Girl Scouts and pages here, I want to tell you that this is a currency that's not easily replaced if we lose it. Harlan Boyles held it in highest esteem, but for all of his financial talents what I loved most about him was his standard of integrity. I would encourage you to look at what has happened, what has made the news recently in my profession as an accountant, as an auditor, and think about this. If we all had the standards of Harlan Boyles there would be no Enron story or WorldCom story and we must return to standards that were held so dear by Harlan Boyles. I feel honored to have known him. He made it very easy for me to be bipartisan. "

Senator Dannelly:

"Ladies and gentlemen of the Senate, Harlan Boyles was the epitome of a southern gentleman. He was always respectful and gave everyone, no matter what your state in life was, the highest level of respect. One of the members indicated that you always had his undivided attention and you did. I wish I could remember when I met him, but I don't. One thing has not been said about him, though it has been alluded to. I think he had a photographic memory because whenever I met him and I was in his presence he called my name and would tell others around him where I was from. He was able to call anybody's name that he met earlier that was standing around him and let you know who they were and where they were from. When he decided not to run again for Treasurer, being a former educator, my constituents who were retired and all were wondering what's going to happen now. Harlan Boyles is not going to run for State Treasurer again. I felt a little uneasy myself, but I think his legacy will sustain what he has started and I don't think that we will have to worry if we in this Chamber will follow his leadership. He was a great man and I thank the family for sharing him with us. I urge you to support this resolution. "

Senator Hagan:

"Thank you. Members of the Senate, what a wonderful man! This is my third term serving, and during my first term I had, of course, heard of Harlan Boyles along

with Thad Eure, Jim Graham as one of the institutions of North Carolina, but during one of the first committee meetings when he came over and spoke I got the sense of exactly the kind of individual that we've all heard so much about in the last few minutes. I introduced myself to him after the meeting and, of course, just like we heard he already knew my name. I spent time with him and as everybody said, you felt like you were the most important person. I don't know how a State Treasurer could have the kind of time that he was able to spend with all the people who came to speak to him and talk to him, but on numerous occasions I would pick up the phone and call him up and run things by him and he was always there. He would always take time to take your call, listen to you, come over, meet, just an incredible individual.

"Within the last two years he received an award from Leadership North Carolina which was presented to him in Greensboro and I had the opportunity to sit next to him at dinner and as everybody said it was sort of one of the highlights of my life, getting to know him and hearing some of the great stories that he was able to share that night in his talk and at dinner. Another time I asked him to come to Greensboro to give a presentation to a number of people and it was, 'Certainly, when do you want?' We in North Carolina have been so fortunate to have a man as smart, dedicated, with high integrity that he has given to the State and his family. Once again, thank you for sharing him with all of us. He is truly missed and what a wonderful man. I urge you to support the resolution."

Senator Basnight:

"I can see the twinkle in his blue eyes now, the laughter, the smiles, the wit, the loving, caring human being that he was, the concern for others and never himself. We all find ourselves at times standing a little long when people have our posture upward and we can't sit and we struggle with that and people will complain from time to time that they wish we didn't have to stand so long. Boy, it never seemed to bother him. He would do so with a great deal of struggle, it had to have been, but never a complaint, never a sour note about his responsibility.

"I saw him two or three weeks before his passing. It was in Chapel Hill at Bob Eubanks' office. He was fighting for the rights of the people of North Carolina to have a better way of life, a better opportunity. He told me as we left that when the sun comes out of the ocean and sets in the mountains it will have crossed all of North Carolina and all of its people. It would be wise for you to remember that you're not larger than any of those that the sun passes over. Your responsibility is the welfare of everyone in this State. Guard it judiciously. He was a man that we will always remember who gave his all. Godspeed my good Treasurer, our good friend. Thank you."

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 Pro Tempore extends the courtesies of the gallery to Mrs. Frankie Boyles, wife of The Honorable Harlan Boyles; his children Phyllis Godwin, Lynn Butler, and Edward Boyles; and Alice Underhill, daughter of Jim Graham.

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S.B. 235, A BILL TO BE ENTITLED AN ACT TO ALLOW A RETAILER THAT LEASES MOTOR VEHICLES AND THAT HAS PAID THE HIGHWAY USE TAX ON THE MOTOR VEHICLES TO PAY AN ADDITIONAL GROSS RECEIPTS TAX ON THE MOTOR VEHICLES, 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

Upon motion of Senator Hoyle, the bill is ordered sent to the House of Representatives by special message.

S.B. 307 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

Upon motion of Senator Dannelly, seconded by Senator Metcalf, the Senate adjourns subject to introduction of bills, to meet tomorrow, Thursday, March 13, at 10:00 A.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Reeves; and Moore:

S.B. 371, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR BIENNIAL APPROPRIATIONS TO COVER THE RATE OF NORMAL CONTRIBUTION AND ANY RATE OF ACCRUED LIABILITY CONTRIBUTION, AS DETERMINED BY THE BOARD OF TRUSTEES OF THE TEACHERS' AND STATE 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 Reeves:

S.B. 372, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF RALEIGH.

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

By Senator Reeves:

S.B. 373, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF RALEIGH.

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

By Senator Reeves:

S.B. 374, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF CARY.

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

By Senator Reeves:

S.B. 375, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF CARY.

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

By Senator Reeves:

S.B. 376, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF CARY.

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

By Senator Garwood:

S.B. 377, A BILL TO BE ENTITLED AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING AGGREGATES.

Referred to **Transportation Committee**.

By Senators Dannelly; Clodfelter and Pittenger:

S.B. 378, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A 311 SYSTEM FOR NONEMERGENCY CALLS AND TO ALLOW MONEY IN THE EMERGENCY TELEPHONE SYSTEM FUND TO ALSO BE USED TO DEVELOP AND MAINTAIN THE 311 SYSTEM.

Referred to **Commerce Committee**.

By Senator Albertson:

S.B. 379, A BILL TO BE ENTITLED AN ACT ALLOWING DUPLIN COUNTY TO ATTACH OR GARNISH TO COLLECT FEES.

Referred to **Finance Committee**.

By Senator Albertson:

S.B. 380, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF WALLACE.

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

By Senator Sloan:

S.B. 381, A BILL TO BE ENTITLED AN ACT RELATING TO THE 41ST SENATORIAL DISTRICT.

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

By Senator Sloan:

S.B. 382, A BILL TO BE ENTITLED AN ACT RELATING TO THE 41ST SENATORIAL DISTRICT.

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

By Senator Sloan:

S.B. 383, A BILL TO BE ENTITLED AN ACT RELATING TO THE 41ST

SENATORIAL DISTRICT.

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

By Senators Gulley; and Lucas:

S.B. 384, A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN LOOP.

Referred to **Transportation Committee.**

By Senators Jenkins and Dalton:

S.B. 385, A BILL TO BE ENTITLED AN ACT TO PROMOTE ECONOMIC DEVELOPMENT.

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

By Senators Jenkins and Dalton:

S.B. 386, A BILL TO BE ENTITLED AN ACT TO PROMOTE ECONOMIC DEVELOPMENT.

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

By Senator Jenkins:

S.B. 387, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE EDGECOMBE COUNTY SCHOOL SYSTEM.

Referred to **State Government, Local Government, and Veterans' Affairs Committee.**

By Senators Foxx; Allran, Apodaca, Bingham, Blake, Brock, Carpenter, Carrington, Dorsett, Forrester, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Horton, Jenkins, Kerr, Kinnaird, Lucas, Queen, Shubert, Sloan, Stevens, Swindell, Thomas, Tillman and Weinstein:

S.B. 388, A BILL TO BE ENTITLED AN ACT TO UPDATE NORTH CAROLINA GENERAL STATUTES IN RESPONSE TO RECENT MEDICAL ADVANCES IN SCREENING FOR THE EARLY DETECTION OF CERVICAL CANCER.

Referred to **Health and Human Resources Committee.**

By Senators Dannelly; Clodfelter, Pittenger and Rucho:

S.B. 389, A BILL TO BE ENTITLED AN ACT EXTENDING THE SUNSET RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL AND CONVEY REAL ESTATE.

Referred to **State Government, Local Government, and Veterans' Affairs Committee.**

By Senators Hartsell; and Clodfelter:

S.B. 390, A BILL TO BE ENTITLED AN ACT TO GIVE EFFECT TO ELECTRONIC JUDGMENT DOCKETS BY MODERNIZING LAWS REGARDING JUDGMENTS AND CHANGING THE EFFECTIVE DATE OF CIVIL JUDGMENT LIENS AND THE DATE FROM WHICH INTEREST ACCRUES ON JUDGMENTS.

Referred to **Judiciary II Committee.**

By Senator Hartsell:

S.B. 391, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF MT. PLEASANT.

Referred to **Finance Committee**.

By Senators Rand, Lucas; Albertson, Apodaca, Berger, Bingham, Carpenter, Carrington, Clodfelter, Dorsett, Forrester, Garrou, Garwood, Gulley, Hargett, Hartsell, Jenkins, Kerr, Kinnaird, Malone, Moore, Purcell, Queen, Reeves, Rucho, Soles, Swindell, Thomas and Weinstein:

S.J.R. 392, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MARY LEWIS WYCHE, FOUNDER AND FIRST PRESIDENT OF THE NORTH CAROLINA NURSES ASSOCIATION AND ONE OF THE THREE NURSES APPOINTED TO THE FIRST NORTH CAROLINA BOARD OF NURSE EXAMINERS, ON THE ONE HUNDREDTH ANNIVERSARY OF PROFESSIONAL NURSING IN NORTH CAROLINA.

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

By Senator Rand:

S.B. 393, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO USE MIRRORS, VIDEO EQUIPMENT, AND OTHER MEANS TO SECRETLY VIEW ANOTHER PERSON'S BODY.

Referred to **Judiciary I Committee**.

By Senators Rand; and Clodfelter:

S.B. 394, A BILL TO BE ENTITLED AN ACT ALLOWING A CLAIM FOR EQUITABLE DISTRIBUTION TO SURVIVE THE DEATH OF A SPOUSE WHEN THE PARTIES ARE LIVING SEPARATE AND APART AT THE TIME OF DEATH AND THE CLAIM IS FILED WITHIN SIX MONTHS OF THE DATE OF DEATH.

Referred to **Judiciary I Committee**.

ADDITIONAL SPONSOR

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

S.B. 295, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES TO SUPPORT NURSING SCHOLARSHIPS IN NORTH CAROLINA.

S.B. 324, A BILL TO BE ENTITLED AN ACT TO INCREASE THE HOMEOWNERS RECOVERY FUND PERMIT FEE.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 4:12 P.M.

March 12, 2003

TWENTY-SIXTH DAY

Senate Chamber
Thursday, March 13, 2003

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:

"Heavenly Father, as we prepare to end the business of the Senate for another week, we pause to thank You for Your presence here, for Your encouragement, Your enlightenment, and Your strength.

"Grant for all the Senate family holy rest over the weekend. May it be a time of regeneration for the challenges and opportunities in the days ahead. Amen."

The Chair grants leaves of absence for today to Senator Foxx and Senator Gulley.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, March 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.

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 Purcell for the **Health and Human Resources Committee**:

S.B. 262, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO STUDY INTEGRATION OF CARE FOR CHILDREN WITH MULTIPLE SYSTEM SERVICE NEEDS, with a favorable report.

CALENDAR

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

S.B. 30, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF DALLAS TO AUTHORIZE THE BOARD OF ALDERMEN TO DELEGATE THE AUTHORITY TO SUSPEND OR REMOVE EMPLOYEES.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 123, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIES OF CLINTON AND LUMBERTON AND THE TOWN OF FRANKLIN TO DECLARE

RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.R. 174 (Committee Substitute), A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, for adoption.

Upon motion of Senator Metcalf the Committee Substitute Senate Resolution is adopted (45-3).

Upon motion of Senator Dannelly, seconded by Senator Ballantine, the Senate adjourns subject to introduction of bills, to meet Monday, March 17, at 7:00 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 Smith:

S.B. 395, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE TOWN OF PINE LEVEL.

Referred to **Finance Committee**.

By Senator Weinstein:

S.B. 396, A BILL TO BE ENTITLED AN ACT TO ANNEX THE RIGHT-OF-WAY OF MCMILLAN STREET TO THE CORPORATE LIMITS OF THE CITY OF RAEFORD.

Referred to **Finance Committee**.

By Senators Dorsett; and Holloman:

S.B. 397, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE AN ALPHA KAPPA ALPHA SORORITY SPECIAL REGISTRATION PLATE.

Referred to **Finance Committee**.

By Senator Dannelly:

S.B. 398, A BILL TO BE ENTITLED AN ACT RELATING TO THE 38TH SENATORIAL DISTRICT.

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

By Senator Dannelly:

S.B. 399, A BILL TO BE ENTITLED AN ACT RELATING TO THE 38TH SENATORIAL DISTRICT.

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

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By Senator Dannelly:

S.B. 400, A BILL TO BE ENTITLED AN ACT RELATING TO THE 38TH SENATORIAL DISTRICT.

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

By Senator Webster:

S.B. 401, A BILL TO BE ENTITLED AN ACT RELATING TO THE 24TH SENATORIAL DISTRICT.

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

By Senator Webster:

S.B. 402, A BILL TO BE ENTITLED AN ACT RELATING TO THE 24TH SENATORIAL DISTRICT.

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

By Senator Webster:

S.B. 403, A BILL TO BE ENTITLED AN ACT RELATING TO THE 24TH SENATORIAL DISTRICT.

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

By Senator Weinstein:

S.B. 404, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE CITY OF LUMBERTON FIREMEN'S RELIEF FUND AND SUPPLEMENTARY PENSION FUND.

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

By Senator Berger:

S.B. 405, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GUILFORD.

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

By Senator Berger:

S.B. 406, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GUILFORD.

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

By Senator Berger:

S.B. 407, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GUILFORD.

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

By Senator Berger:

S.B. 408, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROCKINGHAM.

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

By Senator Berger:

S.B. 409, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROCKINGHAM.

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

By Senator Berger:

S.B. 410, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROCKINGHAM.

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

By Senators Rucho; Clodfelter, Dannelly and Shubert:

S.B. 411, A BILL TO BE ENTITLED AN ACT TO AMEND THE EMERGENCY PENSION FUND FOR LAW ENFORCEMENT OFFICERS IN MECKLENBURG COUNTY.

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

By Senators Horton; and Garrou:

S.B. 412, A BILL TO BE ENTITLED AN ACT TO INCLUDE DEPUTY FIRE MARSHALS, ASSISTANT FIRE MARSHALS, AND COUNTY FIREFIGHTERS AS ELIGIBLE MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

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

By Senators Reeves; Carrington, Malone and Stevens:

S.B. 413, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IF THE STATE-OWNED REAL PROPERTY ENCOMPASSING DOROTHEA DIX HOSPITAL IS NOT TRANSFERRED TO ANOTHER STATE AGENCY OR AGENCIES PRIOR TO THE SALE OF THE PROPERTY, THEN OPTIONS FOR THE SALE OF THE PROPERTY SHALL BE CONSIDERED BY THE PROPERTY STUDY COMMISSION ESTABLISHED BY THIS ACT AND RECOMMENDATIONS MADE TO THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS PRIOR TO THE SALE OF THE PROPERTY.

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

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 10:37 A.M.

TWENTY-SEVENTH DAY

Senate Chamber
Monday, March 17, 2003

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, NC, as follows:

"Since this is St. Patrick's Day, I thought I would borrow a bit of one of his prayers. Now you may not be Catholic. That's okay. In our Presbyterian *Book of Common Worship* which we borrowed in large part from the Episcopalians, he is

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referred to as Patrick of Ireland. We know a lot about sinners, but we're not real sure about saints. Patrick's words from 1600 years ago ring true today in this prayer for God to guide and guard us. It seems like we always live in perilous times. It's also a prayer for you, to be wise and lead well.

"Let us pray, hearing these words from Saint Patrick of Ireland. 'I bind unto myself today the power of God to hold and lead, God's eye to watch, God's might to stay, God's ear to hearken to my need, the wisdom of my God to teach, God's hand to guide, God's shield to ward, the word of God to give me speech, God's heavenly host to be my guard.'

"Amen."

The Chair grants leaves of absence for tonight to Senator Garrou, Senator Hartsell and Senator Hoyle.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, March 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. Robert J. Wilson from Durham, North Carolina, who is serving the Senate as Doctor of the Day.

Upon motion of Senator Albertson, the President extends privileges of the floor to Mr. Tony Blackmon, from Johnston County, who performs America the Beautiful and the National Anthem on the saxophone.

CALENDAR

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

S.B. 262, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO STUDY INTEGRATION OF CARE FOR CHILDREN WITH MULTIPLE SYSTEM SERVICE NEEDS.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

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. 171, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HARLAN E. BOYLES, FORMER STATE TREASURER. (Res. 5)

Upon motion of Senator Basnight, seconded by Senator Dalton, the Senate adjourns subject to introduction of bills and reading of messages from the House of Representatives, to meet tomorrow, Tuesday, March 18, at 3:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Weinstein:

S.B. 414, A BILL TO BE ENTITLED AN ACT TO ALLOW ROBESON COUNTY TO DELAY THE REAPPRAISAL OF PROPERTY FOR PROPERTY TAX PURPOSES BY ONE YEAR.

Referred to **Finance Committee**.

By Senators Purcell; Dannelly, Dorsett, Garrou, Gulley, Malone, Moore and Rand:

S.B. 415, A BILL TO BE ENTITLED AN ACT TO INCLUDE DULY LICENSED MARRIAGE AND FAMILY THERAPISTS UNDER THE INSURANCE 'FREEDOM OF CHOICE' LAW AND UNDER THE PROFESSIONAL CORPORATIONS ACT.

Referred to **Health and Human Resources Committee**.

By Senators Lucas, Garwood and Metcalf:

S.J.R. 416, A JOINT RESOLUTION SETTING THE DATE FOR THE SENATE AND THE HOUSE OF REPRESENTATIVES TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES.

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

By Senator Kerr:

S.B. 417, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR WAYNE COUNTY TO DESIGNATE STAGGERED TERMS FOR ITS BOARD OF COMMISSIONERS.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

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

S.B. 418, A BILL TO BE ENTITLED AN ACT TO ADJUST THE APPORTIONMENT FORMULA SALES FACTOR FOR BROADCASTERS AND PUBLISHERS AND TO UPDATE THE APPORTIONMENT FORMULA PROPERTY FACTOR FOR ALL CORPORATIONS BY EXCLUDING OUTER-JURISDICTIONAL PROPERTY FROM THAT FACTOR.

Referred to **Finance Committee**.

By Senator Soles:

S.B. 419, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHADBOURN.

Referred to **Finance Committee**.

By Senator Garrou:

S.B. 420, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WINSTON-SALEM TO COLLECT A TAX OF UP TO TWENTY DOLLARS ON VEHICLES RESIDENT IN THE CITY.

Referred to **Finance Committee**.

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By Senators Thomas, Metcalf and Rand:

S.B. 421, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND MAKE TECHNICAL CORRECTIONS TO THE CHILD WELFARE LAWS AND TO ENHANCE THE STATE'S ABILITY TO PROTECT CHILDREN.

Referred to **Judiciary II Committee**.

By Senator Thomas:

S.B. 422, A BILL TO BE ENTITLED AN ACT TO AMEND THE ADVANCE HEALTH CARE DIRECTIVE REGISTRY LAW TO EXEMPT FROM NOTARY REQUIREMENTS ANATOMICAL GIFT INSTRUMENTS.

Referred to **Judiciary II Committee**.

By Senators Thomas, Metcalf, Rand; and Swindell:

S.B. 423, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND ENHANCE CHILD SUPPORT ENFORCEMENT LAWS.

Referred to **Judiciary II Committee**.

By Senator Hartsell:

S.B. 424, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS IN A 1997 LAW CONCERNING TUITION WAIVERS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Judiciary II Committee**.

By Senator Hartsell:

S.B. 425, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE COUNTY OF CABARRUS TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE IN LIEU OF PUBLICATION.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senator Hartsell:

S.B. 426, A BILL TO BE ENTITLED AN ACT TO REMOVE COUNTY COMMISSIONERS FROM THE PROCEDURE FOR ABANDONMENT OF ROADWAYS LOCATED IN MUNICIPALITIES BY THE DEPARTMENT OF TRANSPORTATION.

Referred to **Transportation Committee**.

By Senator Hartsell:

S.B. 427, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GOVERNOR TO USE FUNDS APPROPRIATED FOR THE NORTH CAROLINA NATIONAL GUARD TO SUPPORT FAMILIES OF ACTIVATED GUARDSMEN.

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

By Senator Swindell:

S.B. 428, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO NASH COUNTY TO IMPROVE SECURITY AT THE COURTHOUSE.

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

By Senator Swindell:

S.B. 429, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO NASH COUNTY FOR THE DEVELOPMENT OF A FARMERS MARKET.

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

By Senator Holloman:

S.B. 430, A BILL TO BE ENTITLED AN ACT RELATING TO THE 4TH SENATORIAL DISTRICT.

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

By Senator Holloman:

S.B. 431, A BILL TO BE ENTITLED AN ACT RELATING TO THE 4TH SENATORIAL DISTRICT.

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

By Senator Holloman:

S.B. 432, A BILL TO BE ENTITLED AN ACT RELATING TO THE 4TH SENATORIAL DISTRICT.

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

By Senator Holloman:

S.B. 433, A BILL TO BE ENTITLED AN ACT RELATING TO THE 4TH SENATORIAL DISTRICT.

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

By Senator Holloman:

S.B. 434, A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE COUNTY SHARE OF NONFEDERAL COSTS OF THE MEDICAID PROGRAM.

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

By Senator Holloman:

S.B. 435, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ROANOKE RAPIDS PUBLIC LIBRARY TO RECEIVE FUNDS FROM THE AID TO PUBLIC LIBRARIES FUND.

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

By Senator Lucas:

S.B. 436, A BILL TO BE ENTITLED AN ACT TO ALLOW DURHAM COUNTY TO IMPOSE IMPACT FEES FOR SCHOOLS.

Referred to **Finance Committee**.

By Senator Hoyle:

S.B. 437, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSING BOARD OF GENERAL CONTRACTORS TO ESTABLISH TEMPORARY RULES THAT ALLOW A LICENSEE TO BID AND CONTRACT DIRECTLY WITH THE OWNER OF A PUBLIC BUILDING PROJECT IN CERTAIN CIRCUMSTANCES.

Referred to **Commerce Committee**.

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By Senator Hartsell:

S.B. 438, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF MIDLAND.

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

By Senators Clodfelter; and Dannelly:

S.B. 439, A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

Referred to **Judiciary I Committee**.

By Senators Clodfelter; and Dannelly:

S.B. 440, A BILL TO BE ENTITLED AN ACT TO ALLOW THE COURT TO ISSUE AN ORDER FOR ARREST WHEN A DEFENDANT FAILS TO APPEAR IN COURT AFTER RECEIVING A CITATION FOR A MISDEMEANOR.

Referred to **Judiciary I Committee**.

By Senators Clodfelter; and Dannelly:

S.B. 441, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COURTHOUSE CHILD CARE CENTERS.

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

By Senator Dannelly:

S.B. 442, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO PURCHASE PUBLIC TRANSIT EQUIPMENT ON CONTRACTS LET BY GOVERNMENTAL ENTITIES USING FORMAL BID OR COMPETITIVE PROPOSAL METHODS OF PROCUREMENT WITHIN THE LAST THIRTY-SIX MONTHS.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senators Dannelly; and Clodfelter:

S.B. 443, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO ADOPT A COMMERCIAL NONDISCRIMINATION POLICY.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senators Hagan; Albertson, Apodaca, Bingham, Carpenter, Dorsett, Garrou, Gulley, Hargett, Holloman, Lucas, Metcalf, Sloan, Stevens, Swindell, Thomas and Weinstein:

S.B. 444, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PILOT PROGRAMS ON TEACHING PERSONAL FINANCIAL LITERACY IN THE PUBLIC SCHOOLS.

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

By Senator Carpenter:

S.B. 445, A BILL TO BE ENTITLED AN ACT AUTHORIZING CLAY COUNTY TO ENGAGE IN JOINT DEVELOPMENT ACTIVITIES WITH A CONTIGUOUS COUNTY IN AN ADJOINING STATE.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senator Smith:

S.B. 446, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF CLAYTON.

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

By Senator Smith:

S.B. 447, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF CLAYTON.

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

By Senator Kinnaird:

S.B. 448, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED TERRITORY FROM THE CORPORATE LIMITS OF THE TOWN OF PITTSBORO.

Referred to **Finance Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 24, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VETERANS ADMINISTRATION POLICE OFFICERS TO PROVIDE ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN THE SAME MANNER AS OTHER FEDERAL LAW ENFORCEMENT OFFICERS.

Referred to **Judiciary II Committee**.

H.B. 29 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE TOWN OF BLADENBORO.

Referred to **Finance Committee**.

H.B. 35 (Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING THE TOWN OF WAYNESVILLE FROM THE MAILED NOTICE PROVISION OF G.S. 160A-384 WHEN THE ENTIRE ZONING JURISDICTION IS REZONED.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 103, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS TO CONFORM TO THE INCREASE IN THE NUMBER OF CONGRESSIONAL DISTRICTS IN THIS STATE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

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

H.B. 126 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW GOVERNING EVIDENCE ADMISSIBLE IN CERTAIN JUVENILE HEARINGS.

Referred to **Judiciary I Committee**.

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H.B. 135, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS.

Referred to **Finance Committee**.

H.B. 382, A BILL TO BE ENTITLED AN ACT TO ALLOW DISTRICT COURT JUDGES TO PERFORM MARRIAGE CEREMONIES.

Referred to **Judiciary I Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:28 P.M.

TWENTY-EIGHTH DAY

Senate Chamber
Tuesday, March 18, 2003

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 Inskeep, Associate Pastor, First Presbyterian Church, Raleigh, NC, as follows:

"It's hard to know what to pray for sometimes. It is impossible for me to know what your prayers might be because, as you've seen, sometimes in this room alone there are one hundred different viewpoints.

"So on this day when the war drums beat loudly let's begin with a time of silence for each of us to be in prayer, speaking to God from our own hearts and listening for the whisper of God in the silence. Then I will say my prayer.

"Let us begin with a full minute of prayerful meditation.

"Creator God, as we heard the birds chirping outside, we were reminded of the beauty of your creation, but we human beings so often turn your garden into a battlefield.

"As we read the Bible, it seems there has always been war. Yet always, you have preserved a faithful remnant. Your eternal principles of justice and compassion and love for your creation have prevailed.

"Lord, we long for peace, yet we were attacked by terrorists. We don't know exactly how to fight back against this insidious and elusive enemy, but we pray our leaders have made informed decisions and whether we urged them on or raised a voice in protest, now is the hour when we pray that they have been guided by truth and wisdom and that they will indeed serve the cause of justice and peace for all.

"Mighty God, I pray on behalf of all of us that we discover within reservoirs of courage and strength and hope that you have given us, and especially those on the front lines, may they hear and believe the words spoken through the prophet Isaiah:

“ Thus says the Lord, do not fear, for I have redeemed you; I have called you by name, you are mine. When you pass through the waters, I will be with you; and through the rivers, they shall not overwhelm you; when you walk through fire you

shall not be burned, and the flame shall not consume you, for I am the Lord, your God, your Savior.'

"Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, March 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. Charles M. Sheppa from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Wanda Thompson from Durham, North Carolina, who is serving the Senate as Nurse of the Day.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 134, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF ROANOKE RAPIDS TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 182, A BILL TO BE ENTITLED AN ACT TO NAME THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

REPORTS OF COMMITTEES

Bills and a resolution 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 Hartsell for the **Judiciary II Committee**:

S.B. 33, A BILL TO BE ENTITLED AN ACT TO PROVIDE RECIPROCAL CONCEALED HANDGUN RIGHTS TO CONCEALED HANDGUN PERMIT HOLDERS OF OTHER STATES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75113, is adopted and engrossed.

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

S.B. 274, A BILL TO BE ENTITLED AN ACT TO MAKE A CONFORMING STATUTORY CHANGE CONCERNING THE ORGANIZATIONAL SESSION IF THE SESSION LIMITS CONSTITUTIONAL AMENDMENT IS APPROVED BY THE VOTERS, with a favorable report.

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

S.B. 227, A BILL TO BE ENTITLED AN ACT TO INCREASE FROM THREE TO FIVE THE NUMBER OF PRISONS THE STATE IS AUTHORIZED TO FINANCE BY LEASE PURCHASE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15105, which changes the title to read **S.B. 227** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE FROM THREE TO SIX THE NUMBER OF PRISONS THE STATE IS AUTHORIZED TO FINANCE BY LEASE PURCHASE, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Soles for the **Commerce Committee**:

S.J.R. 327, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENT OF JOSEPH A. SMITH, JR. AS COMMISSIONER OF BANKS, with a favorable report.

SENATE PAGES

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

Stephen Allen, Jr., Matthews; Stephanie Crouch, Aurora; Conley Ward Davis, Farmville; Terence Lee Gray, Jr., Kill Devil Hills; Anna Elizabeth Hardee, Gastonia; Marie Angelina Huggins, Raleigh; Kevin Mark, Raleigh; Dwayne Martin, Raleigh; Neal Motaparthi, Goldsboro; Erin Marie Motley, Raleigh; David Alexander Saxton, Apex; Anna Scott, Lake Waccamaw; and Lindsay Suchy, Raleigh.

Upon motion of Senator Basnight, seconded by Senator Swindell, the Senate adjourns subject to introduction of bills, to meet tomorrow, Wednesday, March 19, at 3:00 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 Queen:

S.B. 449, A BILL TO BE ENTITLED AN ACT TO MAKE IT A REBUTTABLE PRESUMPTION THAT THE PERSON WITHDRAWING BLOOD IN AN IMPAIRED DRIVING CASE IS A LICENSED PHYSICIAN, NURSE, OR AN OTHERWISE QUALIFIED PERSON.

Referred to **Judiciary II Committee**.

By Senator Queen:

S.B. 450, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE

RELEASE OR REFUND OF CERTAIN PROPERTY TAXES.

Referred to **Finance Committee**.

By Senators Reeves and Allran:

S.B. 451, 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, AND THE LEGISLATIVE RETIREMENT SYSTEM.

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

By Senator Shubert:

S.B. 452, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF UNION.

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

By Senator Shubert:

S.B. 453, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF UNION.

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

By Senator Shubert:

S.B. 454, A BILL TO BE ENTITLED AN ACT RELATING TO THE 35TH SENATORIAL DISTRICT.

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

By Senator Shubert:

S.B. 455, A BILL TO BE ENTITLED AN ACT RELATING TO THE 35TH SENATORIAL DISTRICT.

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

By Senator Shubert:

S.B. 456, A BILL TO BE ENTITLED AN ACT RELATING TO THE 35TH SENATORIAL DISTRICT.

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

By Senator Shubert:

S.B. 457, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MECKLENBURG.

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

By Senator Shubert:

S.B. 458, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MECKLENBURG.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:23 P.M.

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TWENTY-NINTH DAY

Senate Chamber
Wednesday, March 19, 2003

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 Bob Inskip, Associate Pastor, First Presbyterian Church, Raleigh, NC, as follows:

"These are very scary times. Anxiety levels have ratcheted up. Problems are up. Finances are down. Fear creeps in.

"As people of faith, let us be reminded of these great words of comfort from the prophet Isaiah. 'Do not fear, for I am with you. Do not be afraid, for I am your God. I will strengthen you, I will help you, I will uphold you with my victorious right hand.' So as people of faith, let us act out of faith, not react out of fear.

"Let us pray. Creator God, you made us in your image. The prophet Isaiah reminds us that we walk hand in hand with you, dear Lord, guided by your truth, by your great love and mercy.

"Today these Legislators are being asked to do more than they ever thought would be expected of them - to keep their people safe from terrorist attacks, to shield them from yet another economic hit precipitated by the cost of military action. Lord, grant these men and women wisdom and courage to be strong and faithful leaders.

"Lord, may we all humbly walk with you again this day. Amen."

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

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, March 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. Paul M. Berger from Clinton, North Carolina, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

Bills and a resolution 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 **State Government, Local Government, and Veterans' Affairs Committee**:

S.B. 292, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF RALEIGH TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS, with a favorable report.

Upon motion of Senator Kinnaird, the bill is placed on the Calendar for Tuesday, March 25.

S.B. 294, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CRAVEN COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD TO PROVIDE ITS OWN LAW ENFORCEMENT PERSONNEL AND TO CONTRACT FOR ADDITIONAL LAW ENFORCEMENT SERVICES, with a favorable report.

Upon motion of Senator Kinnaird, the bill is placed on the Calendar for Tuesday, March 25.

H.B. 35 (Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING THE TOWN OF WAYNESVILLE FROM THE MAILED NOTICE PROVISION OF G.S. 160A-384 WHEN THE ENTIRE ZONING JURISDICTION IS REZONED, with a favorable report.

Upon motion of Senator Kinnaird, the Committee Substitute bill is placed on the Calendar for Tuesday, March 25.

S.B. 242, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FIRE DEPARTMENTS TO HONOR DECEASED OR RETIRING FIREFIGHTERS BY AWARDING THEM WITH THEIR FIRE HELMETS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1, which changes the title to read **S.B. 242**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FIRE DEPARTMENTS TO HONOR RETIRING OR DECEASED FIREFIGHTERS BY AWARDING THEIR FIRE HELMETS TO THEM OR TO A SURVIVING RELATIVE, is adopted and engrossed.

Upon motion of Senator Kinnaird, the bill, as amended, is placed on the Calendar for Tuesday, March 25.

By Senator Shaw for the **Transportation Committee**:

S.B. 38, A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE DEPARTMENT OF TRANSPORTATION AS THE STATE AGENCY RESPONSIBLE FOR FIXED GUIDEWAY TRANSIT SAFETY, PURSUANT TO FEDERAL LAW, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, with a favorable report.

Upon motion of Senator Shaw, the bill is placed on the Calendar for Tuesday, March 25.

S.B. 35, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE THE PORTION OF CONTRACT MAINTENANCE RESURFACING FUNDS ALLOCATED TO WIDENING EXISTING NARROW PAVEMENTS SCHEDULED FOR RESURFACING TO BE USED TO WIDEN ANY EXISTING NARROW PAVEMENTS AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE HIGHWAY TRUST FUND SECONDARY ROAD PAVING FUNDS ALLOCATED TO EACH COUNTY FOR THE ADDITIONAL PURPOSE OF SAFETY IMPROVEMENTS ON PAVED AND UNPAVED ROADS IN THE SAME COUNTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE

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TRANSPORTATION OVERSIGHT COMMITTEE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55093, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Metcalf for the **Education/Higher Education Committee**:

S.J.R. 416, A JOINT RESOLUTION SETTING THE DATE FOR THE SENATE AND THE HOUSE OF REPRESENTATIVES TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES, 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 35117, is adopted and engrossed.

Upon motion of Senator Metcalf, the Committee Substitute joint resolution is placed on the Calendar for Tuesday, March 25.

By Senator Bingham for the **Health and Human Resources Committee**:

S.B. 204, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A PILOT PROJECT FOR LOCAL LONG-TERM CARE PLANNING, with a favorable report.

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

S.B. 252, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE AUDITOR TO PERFORM AN AUDIT OF THE COMMUNITY ALTERNATIVES PROGRAM FOR DISABLED ADULTS (CAP/DA) AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONTINUE ITS EXAMINATION OF CAP/DA AND REPORT TO THE NORTH CAROLINA STUDY COMMISSION ON AGING, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 251, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE PRACTICE OF THE REBIRTHING THERAPEUTIC TECHNIQUE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55092, which changes the title to read **S.B. 251** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE PRACTICE OF THE "REBIRTHING" TECHNIQUE, is adopted and engrossed.

Upon motion of Senator Bingham, the Committee Substitute bill is re-referred to the **Judiciary II Committee**.

By Senator Rand for the **Select Committee on Employee Hospital and Medical Benefits Committee**:

S.B. 39, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND

STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35115, which changes the title to read **S.B. 39** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO ASSESS INTEREST ON PREMIUM PAYMENTS NOT REMITTED BY CHARTER SCHOOL EMPLOYING UNITS IN A TIMELY MANNER, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Pensions & Retirement and Aging Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 57, A BILL TO BE ENTITLED AN ACT TO ALLOW RANDOLPH COUNTY TO REAPPOINT MEMBERS OF ITS TOURISM DEVELOPMENT AUTHORITY.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

RECOGNITION OF AZALEA FESTIVAL PRINCESS AND COURT

With unanimous consent, upon motion of Senator Ballantine, the privileges of the floor are extended to the Azalea Festival Princess and Court and the Azalea Festival President, Wanda Copley. Senator Ballantine, Senator Soles and Senator Smith are appointed to escort the guests to the Well of the Senate.

Senator Ballantine introduces Ashley Patterson, Azalea Princess, who introduces the members of her court. She presents a framed print commemorating the 2003 Azalea Festival to the President *Pro Tempore* of the Senate, The Honorable Marc Basnight, who accepts the gift on behalf of the Senate. The President recognizes Senator Ballantine who acknowledges members of the Azalea Festival Committee present in the Gallery. The guests are escorted from the Chamber to a standing ovation.

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

CALENDAR

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

S.B. 33 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO
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PROVIDE RECIPROCAL CONCEALED HANDGUN RIGHTS TO CONCEALED HANDGUN PERMIT HOLDERS OF OTHER STATES.

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

The Committee Substitute bill passes its second (45-2) and third readings and is ordered sent to the House of Representatives.

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

S.B. 274, A BILL TO BE ENTITLED AN ACT TO MAKE A CONFORMING STATUTORY CHANGE CONCERNING THE ORGANIZATIONAL SESSION IF THE SESSION LIMITS CONSTITUTIONAL AMENDMENT IS APPROVED BY THE VOTERS.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.J.R. 327, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENT OF JOSEPH A. SMITH, JR. AS COMMISSIONER OF BANKS.

The joint resolution passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

Upon motion of Senator Dannelly, seconded by Senator Shaw, the Senate adjourns subject to introduction of bills, to meet tomorrow, Thursday, March 20, at 11:00 A.M.

INTRODUCTION OF BILLS

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

By Senator Stevens:

S.B. 459, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF HOLLY SPRINGS TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senator Holloman:

S.B. 460, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE AUTHORIZATION FOR CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW.

Referred to **Judiciary II Committee**.

By Senator Hargett:

S.B. 461, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF

NORTH TOPSAIL BEACH TO EXERCISE CERTAIN EXTRATERRITORIAL JURISDICTION.

Referred to **Finance Committee**.

By Senator Shaw:

S.B. 462, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA HOUSING TRUST FUND.

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

ADDITIONAL SPONSOR

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

S.B. 220, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STREAMLINED PROGRAM FOR PERMITTING THE MANAGEMENT OF WINERY WASTEWATER.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 3:43 P.M.

THIRTIETH DAY

Senate Chamber
Thursday, March 20, 2003

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, NC, as follows:

"Before we built the first churches in Raleigh, the churches held sessions in the Legislative Chambers and when the fire destroyed the Capitol in 1831 the Legislature and the Supreme Court held their sessions in churches, so we have a long respectful association between Church and State in North Carolina and one month from today we will hold Easter sunrise services on the Capitol grounds at 6:30.

"I'd like to begin this morning's prayer by citing the words of a gospel hymn, *We've Come This Far By Faith*. I'll just read them, non-rhythmically, in the 'decent and orderly' Presbyterian style.

" 'We've come this far by faith, leaning on the Lord; trusting in his holy Word, he's never failed us yet. Oh, we can't turn back, we've come this far by faith. We've come this far by faith.'

"Great God, we pray again this day for our Nation and for the world. We pray that the day of terror in Iraq is ending and that casualties will be few.

"Please be with each Legislator today as important decisions are made. May all decisions be grounded in your eternal values of justice and compassion, especially for

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the powerless, the widows, and the orphans.

"Whenever there is doubt, let the guiding principle be that of love of neighbor, doing the loving thing for others, as you have demonstrated your steadfast love for us. Amen."

The Chair grants leaves of absence for today to Senator Basnight, Senator Carrington, Senator Hagan, Senator Jenkins, Senator Kinnaird, Senator Moore and Senator Sloan.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, March 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. Charles H. Mann from Cary, 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.

The Senate recesses at 11:12 A.M. for the purpose of a Rules and Operations of the Senate Committee meeting to reconvene at 11:17 A.M.

RECESS

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

REPORTS OF COMMITTEES

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

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

H.B. 382, A BILL TO BE ENTITLED AN ACT TO ALLOW DISTRICT COURT JUDGES TO PERFORM MARRIAGE CEREMONIES, with a favorable report.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 80 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT CERTAIN REPORTS BE MADE TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to **Health and Human Resources Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 432, A BILL TO BE ENTITLED AN ACT PROVIDING THAT STATE EMPLOYEES, PUBLIC SCHOOL EMPLOYEES, AND COMMUNITY COLLEGE EMPLOYEES MAY SHARE LEAVE VOLUNTARILY.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a 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. 225, A SENATE RESOLUTION EXPRESSING SUPPORT FOR THE ARMED SERVICES FIGHTING THE WAR AGAINST TERRORISM, with an unfavorable report as to resolution, but favorable as to Committee Substitute joint resolution.

Pursuant to Rule 45.1, the proposed Committee Substitute joint resolution 15130, which changes the title to read **S.J.R. 225** (Committee Substitute), A JOINT RESOLUTION HONORING THE MEMORY OF PAST MILITARY LEADERS RICHARD CASWELL, FRANCIS NASH, SAMSON L. FAISON, AND EDSON D. RAFF AND EXPRESSING SUPPORT FOR THE ARMED SERVICES FIGHTING THE WAR AGAINST TERRORISM, is adopted and engrossed.

Upon motion of Senator Dannelly, seconded by all Senators in honor of the war efforts in Iraq, the Senate adjourns subject to introduction of bills, to meet Monday, March 24, at 7:00 P.M.

INTRODUCTION OF BILLS

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

By Senators Purcell; Albertson, Dorsett, Kinnaird, Malone, Moore and Weinstein:

S.B. 463, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR INTERPRETER SERVICES IN LOCAL HEALTH DEPARTMENTS.

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

By Senators Hoyle and Clodfelter:

S.B. 464, A BILL TO BE ENTITLED AN ACT TO CREATE THE DEBT AFFORDABILITY ADVISORY COMMITTEE AND THE CAPITAL PROJECTS PRIORITY COMMITTEE.

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

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By Senators Dorsett; Berger, Bingham and Hagan:

S.B. 465, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF HIGH POINT TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING THOSE BUILDINGS PURSUANT TO G.S. 160A-432.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senators Dannelly; Clodfelter, Lucas, Pittenger, Reeves and Rucho:

S.B. 466, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MECKLENBURG COUNTY HEALTH DEPARTMENT FOR NURSES FOR ITS SCHOOL HEALTH PROGRAM.

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

By Senator Hartsell:

S.B. 467, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STATE SHALL PAY ONE HUNDRED PERCENT OF THE NONFEDERAL SHARE OF MEDICAID COSTS PHASED IN OVER A TEN-YEAR PERIOD.

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

By Senator Hartsell:

S.B. 468, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW GOVERNING THE MODIFICATION AND TERMINATION OF IRREVOCABLE TRUSTS.

Referred to **Judiciary II Committee**.

By Senators Hartsell; and Clodfelter:

S.B. 469, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN CONDITIONS PLACED ON EXCLUSIVE AGENCY CONTRACTS FOR THE SALE OF LIFE INSURANCE OR FINANCIAL SERVICES ARE UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE TRADE PRACTICES.

Referred to **Commerce Committee**.

By Senator Hartsell:

S.B. 470, A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE LAW AFFECTING THE COMPENSATION OF TRUSTEES AND OTHER FIDUCIARIES.

Referred to **Judiciary II Committee**.

By Senator Hartsell:

S.B. 471, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING THE SELF-INSURANCE GUARANTY ASSOCIATION.

Referred to **Judiciary II Committee**.

By Senator Bingham:

S.B. 472, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF WALLBURG.

Referred to **Finance Committee**.

By Senators Garrou, Hagan, Dalton, Allran and Reeves:

S.B. 473, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, AND THE DISABILITY INCOME PLAN OF NORTH CAROLINA.

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

By Senators Purcell; Bingham, Clodfelter, Dannelly and Forrester:

S.B. 474, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CAROLINAS POISON CONTROL CENTER.

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

By Senator Hoyle:

S.B. 475, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTIES TO THE TOWN OF DALLAS.

Referred to **Finance Committee**.

By Senator Gulley:

S.B. 476, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY MANAGER TO MAKE DECISIONS REGARDING ROUTINE TRAFFIC CONTROL MEASURES.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senator Gulley:

S.B. 477, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DURHAM CITY COUNCIL TO DELEGATE AUTHORITY TO THE HOUSING APPEALS BOARD TO HEAR AND DECIDE APPEALS OF TRASH AND OVERGROWN VEGETATION CASES AND OTHER PUBLIC NUISANCES.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senator Gulley:

S.B. 478, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senator Gulley:

S.B. 479, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DURHAM COUNTY TO LEVY A TAX ON LAND DEVELOPMENT TO PAY PART OF THE COSTS OF SCHOOL CAPITAL FACILITIES.

Referred to **Finance Committee**.

By Senator Gulley:

S.B. 480, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO CLARIFY THE CITY'S AUTHORITY TO REQUIRE SIDEWALKS OR PAYMENTS INSTEAD OF SIDEWALKS WHEN

APPROVING DEVELOPMENT PLANS, SITE PLANS, AND SUBDIVISION PLATS.

Referred to **Finance Committee**.

By Senator Gulley:

S.B. 481, A BILL TO BE ENTITLED AN ACT TO ADJUST AND UPDATE THE AWARD SCHEDULE FOR INJURED EMPLOYEES SEEKING COMPENSATION UNDER THE WORKERS' COMPENSATION ACT.

Referred to **Judiciary I Committee**.

By Senator Gulley:

S.B. 482, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO ANNEX ROADS THAT ARE ADJACENT ON BOTH SIDES TO PROPERTY ALREADY WITHIN THE CITY LIMITS.

Referred to **Finance Committee**.

By Senator Gulley:

S.B. 483, A BILL TO BE ENTITLED AN ACT TO ALLOW RETIRED MEMBERS OF THE DURHAM FIREMEN'S SUPPLEMENTAL RETIREMENT SYSTEM TO SERVE ON THE BOARD OF TRUSTEES OF THE SYSTEM AND TO MAKE THE NAME OF THE SYSTEM GENDER-NEUTRAL.

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

By Senator Gulley:

S.B. 484, A BILL TO BE ENTITLED AN ACT TO ALLOW DURHAM COUNTY TO IMPOSE IMPACT FEES FOR SCHOOLS.

Referred to **Finance Committee**.

By Senators Queen, Carpenter; Albertson, Apodaca, Ballantine, Berger, Bingham, Blake, Brock, Carrington, Dalton, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Holloman, Horton, Jenkins, Kerr, Kinnaird, Lucas, Metcalf, Moore, Pittenger, Purcell, Rand, Rucho, Shaw, Shubert, Smith, Stevens and Thomas:

S.B. 485, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A "FRIENDS OF THE APPALACHIAN TRAIL" SPECIAL REGISTRATION PLATE.

Referred to **Finance Committee**.

By Senators Queen; Albertson, Apodaca, Berger, Brock, Carpenter, Dalton, Forrester, Foxx, Garrou, Hagan, Hargett, Hartsell, Holloman, Jenkins, Kerr, Kinnaird, Lucas, Metcalf, Moore, Purcell, Rand, Reeves, Shubert, Smith, Stevens, Swindell, Thomas and Tillman:

S.B. 486, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE N.C. CHILD ALERT NOTIFICATION (NC CAN) SYSTEM AND TO RENAME THAT SYSTEM THE AMBER ALERT SYSTEM.

Referred to **Judiciary II Committee**.

By Senator Gulley:

S.B. 487, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO COLLECT A GENERAL MUNICIPAL VEHICLE TAX OF UP

TO TEN DOLLARS ON VEHICLES RESIDENT IN THE CITY.

Referred to **Finance Committee**.

By Senator Shubert:

S.B. 488, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EXCEPTIONAL GROWTH AT SOUTH PIEDMONT COMMUNITY COLLEGE.

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

By Senator Garwood:

S.B. 489, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR ALL FIVE MEMBERS OF THE BOARD OF COMMISSIONERS OF WILKES COUNTY, RATHER THAN THE CURRENT SYSTEM WHERE FOUR OF THE MEMBERS ARE ELECTED FOR STAGGERED FOUR-YEAR TERMS AND ONE FOR A TWO-YEAR TERM.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senator Ballantine:

S.B. 490, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON TO ALLOW THE CITY MANAGER TO SETTLE CLAIMS AGAINST THE CITY WHEN THE AMOUNT OF THE CLAIMS DO NOT EXCEED THE CITY'S INSURANCE DEDUCTIBLE.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senator Smith:

S.B. 491, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF NORTHBROOK.

Referred to **Finance Committee**.

By Senator Berger:

S.B. 492, A BILL TO BE ENTITLED AN ACT TO AMEND AND MODERNIZE THE CHARTER OF THE CITY OF EDEN.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senator Kinnaird:

S.B. 493, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A PILOT PROGRAM FOR INCLUSIONARY ZONING IN THE TOWN OF CARRBORO.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senator Kinnaird:

S.B. 494, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CARRBORO TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY THAT HAVE GATHERINGS OF MORE THAN ONE HUNDRED PEOPLE AND SELL ALCOHOLIC BEVERAGES.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

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By Senator Reeves:

S.B. 495, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CARY TO ALLOW THE TOWN TO ACQUIRE PROPERTY FOR THE PRESENT OR FUTURE LOCATION OR RELOCATION OF TELEPHONE, TELEGRAPH, ELECTRIC, OR OTHER LINES TO BE OPERATED BY PUBLIC UTILITIES.

Referred to **Finance Committee**.

By Senators Reeves, Clodfelter; and Malone:

S.B. 496, A BILL TO BE ENTITLED AN ACT TO PROVIDE MANAGEMENT FLEXIBILITY AND ACCOUNTABILITY FOR CERTAIN SCHOOL SYSTEMS.

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

By Senator Garwood:

S.B. 497, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF MOUNT AIRY.

Referred to **Finance Committee**.

By Senator Soles:

S.B. 498, A BILL TO BE ENTITLED AN ACT TO ALLOW ELECTROFISHING FOR CATFISH IN COLUMBUS COUNTY.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

ADDITIONAL SPONSOR

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

S.J.R. 225, A SENATE RESOLUTION EXPRESSING SUPPORT FOR THE ARMED SERVICES FIGHTING THE WAR AGAINST TERRORISM.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 11:32 A.M.

THIRTY-FIRST DAY

Senate Chamber
Monday, March 24, 2003

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, it is so easy, considering the war with Iraq and the general turmoil in which our world exists today, for despair and worry to quench our hope in You and

resignation to blind us to the future you envision for us.

"With that as a challenge, these Senators and Representatives must focus on issues that will impact for good the people of our State.

"Open their eyes to see signs of the new things you are doing, even now. In them lift their spirits, all of our spirits, because Your mercies toward us are fresh every day.

"In the strong name of our Lord we pray, Amen."

The Chair grants a leave of absence for tonight to Senator Sloan.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, March 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. Robert X. Morrell, Jr. from Cary, 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.

RECOGNITION OF NORTH CAROLINA MILITARY LEADERS

With unanimous consent, upon motion of Senator Basnight, the privileges of the floor are extended to Major General David M. Mize, Commanding General, Camp Lejeune; Major General Zannie O. Smith, Deputy Commanding General, Fort Bragg (Acting Commander); Major General William E. Ingram, Jr., Adjutant General, NC National Guard; Colonel Steven W. Zander, Commander, 4th Mission Support Group, Seymour Johnson AFB; Colonel Frank Laras, Vice Commander, 43rd Airlift Wing, Pope AFB (Acting Commander); Colonel Paul J. Pisano, Station Inspector, Cherry Point MCAS; Captain Steven Krupa, Commanding Officer, US Coast Guard Support Center, Elizabeth City. Senator Hargett, Senator Thomas, Senator Kerr, Senator Rand, Senator Dannelly, Senator Dorsett, Senator Ballantine, Senator Forrester, and Senator Carrington are appointed to escort these North Carolina Military Leaders to the Well of the Senate.

Each of the guests is introduced by the member representing their district and each guest is recognized to address the Senate.

CALENDAR

A bill and a resolution on tonight's Calendar are taken up and disposed of, as follows:

S.J.R. 225 (Committee Substitute), A JOINT RESOLUTION HONORING THE MEMORY OF PAST MILITARY LEADERS RICHARD CASWELL, FRANCIS NASH, SAMSON L. FAISON, AND EDSON D. RAFF AND EXPRESSING SUPPORT FOR THE ARMED SERVICES FIGHTING THE WAR AGAINST TERRORISM.

Upon motion of Senator Rand, the Committee Substitute joint resolution is read in its entirety and, upon motion of Senator Soles, the remarks of the members and the North Carolina Military Leaders, are spread upon the Journal, as follows:

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Senator Hargett:

"I'd like to say that being elected to serve in the North Carolina Senate is the second greatest honor ever afforded to me in my lifetime. The greatest was the honor and privilege of serving my Country in the United States Air Force from 1960 to 1964. I was a young trooper airman overseas when our President Kennedy was assassinated, and unless you have been there, and unless you have saluted the flag while standing on foreign soil at sunset, you can't possibly know the appreciation that one has for the Military. I'd like to introduce my Commanding General of Marine Corps Base Camp Lejeune. General David Mize is currently serving as the Commanding General of Marine Corps Base Camp Lejeune, North Carolina. Major General Mize attended the United States Naval Academy earning majors in both Foreign Affairs and General Engineering. After graduating from the Basic School in January 1970, he reported to 2nd Battalion, 1st Marines, South Vietnam. During his one-year combat tour with the battalion he served as a rifle platoon commander and rifle company commander. I'm not going to read the entire introduction in the interest of time. I'll go down and say that in September 1990 Major General Mize was advanced to the grade of Colonel and assigned to the Senior Seminar at the Foreign Service Institute, United States State Department. After completion of the Seminar in June 1991, Colonel Mize was selected for a one-year military fellowship at the Council on Foreign Relations in New York City. Following the fellowship he was ordered to HQMC and assigned duties as the Deputy Director of Plans in the Plans, Policies, and Operations Department. In June 1993 he was reassigned as the Executive Assistant to the Deputy Chief of Staff, Plans, Policies, and Operations and served in that capacity until advanced to Brigadier General in 1994. General Mize's personal decorations include the Defense Distinguished Service Medal, Legion of Merit, Bronze Star, the Navy Condemnation Medal with Gold Star, and the Combat Action Ribbon. It's my great privilege to introduce to you Major General David Mize.

Major General David M. Mize:

"Madame President, Senator Basnight, Speaker Black, Speaker Morgan, Members of the North Carolina Senate and North Carolina House of Representatives, I can't tell you what a pleasure and privilege it is for me tonight to accept in the name of all of our deployed marines and sailors from Marine Corps Base Camp Lejeune the wonderful and official show of support from the Great State of North Carolina. Our deployed personnel highly value the continuing support from North Carolina and particularly appreciate the outstanding care and concern given to their families left behind on and around our bases in North Carolina. One anecdotal reason that I can confidently report to you that this is the sentiment of our deployed forces is the large number of North Carolina State and, in Camp Lejeune's case, Onslow County flags that the troops took with them to display over there.

"It's hard to overstate what a difference it makes for our Marines if they feel like they have strong backing from here in the Country. I had the challenge of serving in Vietnam and in the latter stages of that war when the belief was that there was a significant percentage of our United States Citizens who did not support the war or the United States Military Forces. It was very difficult to sustain the morale and combat readiness of my unit when they, in their very dangerous missions and duties, felt like they were not supported back home. As can be seen in Desert Shield/Desert Storm, the converse is also true. Great support from home buoys the combat forces and it puts our warriors in the frame of mind that gives us the best chance for a quick and decisive

victory that minimizes casualties on both sides.

“I received a very interesting report from the front lines in the Persian Gulf and I thought you might enjoy hearing it also because it shows a lot about how we prepare for battle when we are required to go into combat to protect our country. This is a message from the Division Commander of the Marine Division in Iraq to his troops on the eve of battle. ‘For decades Saddam Hussein has tortured, imprisoned, raped, and murdered the people of Iraq, invaded neighboring countries without provocation, and threatened the world with weapons of mass destruction. The time has come to end this reign of terror. On your young shoulders rests the hopes of mankind. When I give you the word, together we will cross the Line of Departure, close with those forces that choose to fight and destroy them. Our fight is not with the Iraqi people, nor is it with the Iraqi army who choose to surrender. While we will move swiftly and aggressively against those who resist, we will treat all others with decency, demonstrating chivalry and soldierly compassion for people who have endured a lifetime under Saddam’s oppression. Chemical attacks, treachery, and use of the innocent as human shields can be expected, as can other unethical tactics. Take it all in stride. Be the hunter and not the hunted. Never allow your unit to be caught with its guard down. Use good judgment and act in the best interest of our Nation. You are part of the world’s most feared and trusted force. Engage your brain before you engage your weapon. Share your courage with each member as we enter the uncertain terrain north of the Line of Departure. Keep faith in your comrades on your left and your right and in Marine air overhead. Fight with a happy heart and a strong spirit. For the mission’s sake, our Country’s sake, and the sake of the men who carried the Division’s colors in past battles, who fought for life and never lost their nerve, carry out your mission and keep your honor clean. Demonstrate to the world that there’s no better friend, no worse enemy, than the U. S. Marine.’ J. N. Maddas, Mid-General Commanding.”

“Thank you for this great and significant show of support tonight. It does make a difference and will help ensure that our deployed forces make North Carolina and the whole United States proud of their Military. God bless the U.S.A.”

Senator Brock:

“Members of the Senate, I rise today to support Senate Joint Resolution 225, a joint resolution honoring our past military leaders and our troops that are overseas right now fighting terrorism. First, I’d like to thank Senator Rand for helping me on this resolution so that it could be completed, so the resolution could be heard before the Senate. Not only that, but by putting our past military leaders, it gives historical significance to our battles that we are fighting right now. North Carolina has a proud history of our military leaders that have served in the past. Richard Caswell, Nash, Faison, and Colonel Raff, but the list can go on and on of all the people we could honor. One that’s close to my heart was one I lost a few years ago, Colonel Thomas Ferebee who dropped the first atomic bomb on Hiroshima. Many times he was approached about his duties and what he did. Tom would always say, ‘I was just protecting the people back home.’ or just doing his job. To that, this resolution honors the people, the men and women right now in harm’s way that are doing their job, protecting our freedom and liberty from those that will attack us, both domestic and foreign. We are so fortunate to have so many of these brave patriots to call North Carolina home. We’ve had over thirty thousand to be sent overseas and just today I learned that we’ve lost two already. Let them know that North Carolina loves them,

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will support them, and I believe they know this is true. That's why so many retire here after their tour of duty is done. Let it be known right now, I'd just like to say that the Senate and the people of North Carolina greatly appreciate all that they do to protect us and our Constitution. May God grant our troops protection and a swift return home back to North Carolina and to the arms of their family. To my friends who are serving overseas right now, I'll see you soon. Thank you."

Senator Webster:

"I'm very proud that this resolution came to this floor and I thank you and I want you to pass it back to your men, we all thank you for the work you're doing. I am proud of our Military and there's one especially that I'm proud of. My wife and I have a son in Europe in the Air Force. We have lots of friends and lots of relatives who are serving and I thank you for the training that you give them, the training which appears to me to be so much better than it was forty years ago, to keep them safe, to teach them good conduct. Thank you."

Senator Basnight:

"Thank you Madame President. Members of the Senate, I'll speak briefly because we want to hear you. (Military Leaders) All members of the Senate would like to speak on the resolution, but we wanted to keep it in order to the extent that we could listen to what you had to say to us tonight and what those in combat under your leadership are feeling today as we stand here. Ever so briefly on behalf of the Senate family and the people that we represent in this State, we feel the pain, the sorrow, and the hurt that occurs when any soldier falls or any of us in our family community who are so closely connected to freedoms, that they are granted to us by the very patriots that fell originally for the protection and the independent rights that we have in this Country at the beginning of our Revolution. When people came across seas to change, to take away America's independence, we were challenged early on to see that those freedoms of expressions, opinions, and rights were fully granted and protected. We've had to protect ourselves continuously from the original independence of this Country. Without you, the men and women in uniform, the protections and rights of all of us in this State and this Country would not be before us today. The peace and order that so many countries experience and that you cherish and that you fight for would be nonexistent. Chaos would be the rule of the land and the world, if it were not for the men and women in uniform that protect our rights and our freedoms. On behalf of the North Carolina Senate, we are awfully proud to have you here tonight. Thank you and God bless our soldiers."

Senator Rand:

"Thank you, Madame President, and ladies and gentlemen of the Senate. It is of particular privilege and pleasure for me tonight to introduce you to Major General Zannie O. Smith, Deputy Commanding General of the 18th Airborne Corps at Fort Bragg. We are sorry that Lieutenant General Dan McNeil who is Commanding General of the 18th Airborne Corps at Fort Bragg is not with us but he is deployed to Afghanistan. General McNeil is a native of Duplin County and is a graduate of North Carolina State University and we take great pride in him as a North Carolinian, but we are particularly happy tonight to have General Smith with us.

"General Smith began his military career in 1962 as an enlisted man in the 82nd

Airborne Division at Fort Bragg. The 18th Airborne Corps is composed of the 82nd Airborne, the 101st Air Mobile, the 10th Mountain Division, the 3rd Infantry Division, and the 1st Corps Support Command and a number of other commands that I'm not sure that I could remember. It's composed of about eighty-nine thousand soldiers across this country, now deployed across the world. General Smith has spent his career in virtually every operation in which our Army has been involved. He's been in Vietnam, he's been in the Dominican Republic, he's been in Korea, he's been all over everywhere. He has served in virtually every position and in most everything you can think of. In forty-one years I guess, General, he's pretty well seen it all and done it all. He's a graduate of the University of Tampa, has a Masters Degree in Business Management from Webster University. He's a graduate of the Infantry Officers Advanced Course, a Commanding General Staff College, and the Army War College. He has the Legion of Merit with five Oak Leaf Clusters, a Bronze Star Medal V Device with two Oak Leaf Clusters, the Air Medal with Oak Leaf Cluster, the Meritorious Service Medal with four Oak Leaf Clusters, the Army Commendation Medal with two Oak Leaf Clusters, an Armed Forces Expeditionary Medal, four awards of the Vietnam Service Medal, and my personal favorite, the Good Conduct Medal. He's a master parachutist, has a Ranger Tab, a Comrade Infantryman's Badge, and the Air Assault Badge.

"Those of us who are fortunate enough to live in Fayetteville in Cumberland County, consider Fort Bragg just a part of our community. We know the soldiers, we know the people as they come and go through Fort Bragg. It is a wonderful place to live and we are extremely proud of those men and women who serve us there. When we hear the big planes crank up, when we see the trucks moving out, we know what this means and we know what it does to our community and these men and women. We are so pleased to be a part of that and it is my great pleasure to introduce to you tonight Major General Zannie Smith, Deputy Commanding General, 18th Airborne Corps at Fort Bragg."

Major General Zannie O. Smith:

"Madame President, Senator Basnight, Speaker Black, Speaker Morgan, members of the North Carolina Senate, and the North Carolina House of Representatives, it gives me great pleasure to be here tonight, representing the forty-six thousand soldiers that are stationed at Fort Bragg. At least they call Fort Bragg home. About eighty percent are in other places as we're here tonight. Tony mentioned the 18th Airborne Corps. The 18th Airborne Corps happens to be the headquarters for the 10th Mountain Division, the great 82nd Airborne Division, the 101st, the 3rd Infantry Division as mentioned, and many other units. It's about an eighty-nine thousand person corps. Again, when you look at the corps in total, about eighty percent of that corps are deployed tonight in support of operations in Iraq, Afghanistan, and several other countries. They're there tonight because they're willing servants. They're willing to go lay it on the line for you and I, so that we are able to go home every night to our warm beds. They do it with confidence. They do it with confidence because of the way they've been trained. If there's one message I want to leave with you about Fort Bragg, it simply is they're trained and they're ready. We have some tough days ahead of us to be sure, but there is no doubt about who will win, who will come out on top, because these great young men and women truly have what it takes

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and we speak of the greatest generation, which maybe it's just me that's part of it, I just say it's me, not anyone else in this room. You know, as I look at them, they may end up being the greatest generation because they are dedicated to what they do. They're committed. I especially speak for those forces there at Fort Bragg. We have our great Special Operating Forces. The Army Special Operation Command, as you know, is headquartered at Fort Bragg. We have the great 82nd Airborne Division who stands ready seven days a week, every day of the year. They're there knowing in eighteen hours they can have wheels up to go any place in the world. By the way, while we're doing that with them, two-thirds of their division is deployed. As you know, we have the 1st Brigade there in Afghanistan with Lieutenant General McNeil conducting operations there. The 82nd has been conducting operations there for about a year now and then they have another brigade that's standing by in Kuwait. We have a brigade back there that's called the Division Ready Brigade. Those youngsters live on a string, many of them on a two-hour recall. It's only about five thousand people, but they live their life that way every day. They are ready and they are trained and they're glad to go do whatever this Nation may ask them to do. Then we have the Corps Headquarters, I mentioned briefly, with a span of control just in peacetime of about eighteen hundred miles. When you throw in Afghanistan today, we're talking about about eight thousand miles. Of course, technology allows us to do that.

"I want to thank you for what you're doing. I'm always asked by leaders of the community and citizens in the community around Fort Bragg, 'What can we do?' Well, what you're doing tonight is maybe the most significant thing you can do because you're telling us that 'We support you, we support what you're doing for this Nation, and we love you and you will always have our support.' That's about the best that you can really do for any of us that are out there because, as you know, those of you that have been in the Military, we don't need a lot when it comes to creature comforts, but we do need the support of our citizens. That makes a tremendous difference. As General Mize was saying, I was in Vietnam twice and it wasn't so pleasant to come back home and then Desert Shield/Desert Storm. When I came back from that and I marched down the streets of Washington D. C. and marched down the streets of New York City and it was an absolutely wonderful feeling to have because we knew that the citizens of this great Nation supported us and supported what we did and also shared in the accomplishments and they were proud of everything that we did in that conflict. So you're doing the best thing that you can do for us, simply by acknowledging us, telling us that you support us, telling us that you appreciate us. In my community around Fort Bragg, Federal, Hope Mills, Spring Lake, and the surrounding counties, they let me know that everyday and I'm forever grateful to them. Every time you see one they always want to know what they can do for you. They show us in a real way everyday that they appreciate us by the things that they do for us, the things they do for our great men and women and then slapping those great paratroopers on the back whenever they see them. So we are grateful and we thank you and I would just tell you that I, for one, am humbled simply by having this opportunity to come here tonight and address you, the leaders of our State. I say our State because that is the way I look at it. I have spent most of my adult life in the State of North Carolina at Fort Bragg, and so I do and it really makes me proud to know that our representatives here in this State, our elected representatives are supporting us, appreciate what we do and we know that you will always stand behind us. Thank you, may God bless all of you, and may God bless America."

Senator Rand:

“Thank you very much, Madame President. Ladies and gentlemen it is my pleasure, too, to introduce to you Colonel Frank Laras, who is the Vice Commander of the 43rd Airlift Wing at Pope Air Force Base. These are the people that put the ‘air’ in the ‘airborne’, as they always like to say. The 43rd Airlift Wing is stationed at Pope Air Force Base. That is the squadrons of C-130’s. They deliver things all over the world. General Winfield Scott III is the Commander of the 43rd Airlift Wing. He is deployed into the Persian Gulf at this time and so he was not able to be with us, but we are delighted to have Colonel Laras with us. Colonel Laras is a native of Puerto Rico, a graduate of the University of Puerto Rico, has a Masters of Science in Engineering Management from the Air Force Institute of Technology and a Masters of Science in Operations Management from the University of Arkansas in Fayetteville, Arkansas. He’s attended the Air Command and Staff College and the Air War College. He is a very important part of our community, also, and it is a special pleasure for me to be able to introduce him to you tonight.”

Colonel Frank Laras:

“Madame President, Senator Basnight, Speaker Black, Speaker Morgan, Members of the North Carolina Senate, and North Carolina House of Representatives, good evening. It is indeed an honor for me to be here with you tonight to represent some of our greatest Americans, over five thousand proud and patriotic men and women of Pope Air Force Base as Senator Rand introduces his resolution honoring some of North Carolina’s native sons and honoring those great American sons and daughters who are fighting the war of terrorism today. This resolution shows that the Great State of North Carolina has had strong military ties for more than two hundred years, dating all the way back to the Revolutionary War, and those ties and the outstanding support this great State has shown for those who help protect our beloved Nation continues to this day. I know I speak for more than two thousand brave airmen from Pope Air Force Base who are in Southwest Asia right now helping to win the war on terrorism, in thanking you. They are putting their lives on the line everyday to help make the world a safer place to live. It’s truly gratifying to know the people back home support them and their families during these difficult times of sacrifice and war. I ask that you keep all the Military members involved in this operation, along with their families, in your hearts and in your prayers. God bless you, God bless America, and God bless those who defend her. Thank you.”

Senator Thomas:

“Thank you, Madame President. It’s an honor to be allowed tonight to introduce to you Colonel Paul Pisano who is a Station Inspector at Cherry Point Marine Corps Air Station. Colonel Pisano is a native of Boston, Massachusetts. He was commissioned as Second Lieutenant after graduating from the University of Massachusetts in 1976. He has a very lengthy biography and I won’t cover everything but I will try to hit the highlights. There are many here. He was assigned at one point in his career as a Commander of the United States Navy Central Command for Operations Desert Shield and Desert Storm. After that he graduated from the National War College in June of 1997, and then we’re proud that in July of 2002 Colonel Pisano was reassigned to Marine Corps Air Station Cherry Point with duty there as Station Inspector. His personal decorations include the Defense Meritorious and Service Medal, Meritorious Service Medal with Gold Star, Navy

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Marine Corps Commendation Medal with Gold Star, the Army Commendation Medal, and the Navy Marine Corps Achievement Medal with Gold Star. Madame President, as you know at the entrance to Cherry Point Marine Corps Air Station in Havelock in Craven County the sign says 'Pardon our noise, it's the sound of freedom.' I'm pleased to present to you tonight someone who is here to represent the sound of freedom from Cherry Point Marine Corps Air Station, Colonel Paul Pisano."

Colonel Paul J. Pisano:

"Madame President, Senator Basnight, Speaker Black, and Speaker Morgan, Members of the North Carolina Senate and the North Carolina House of Representatives thank you for the opportunity to address the great people of North Carolina on behalf of all the marines and sailors of Marine Corps Air Station Cherry Point. We at the Air Station sincerely appreciate all that you do for the men and women in uniform who are deployed in support of our great Nation and otherwise and, believe me, you all do very much for us. We're very grateful for the support shown by the members of this Legislature. It is comforting to know that the people of this great State stand firmly behind this Military. If I may, several months ago just when the deployment started getting the folks over to the Persian Gulf my wife and I started looking for a house. We were humbled when we were driving through a lot of the communities in the Eastern North Carolina area by the American flags that were flying from the houses and, even back in December, the yellow ribbons that were starting to show up on trees. We were humbled. Each American flag and yellow ribbon reminds the families of not only families of deployed Marines, but of sailors, soldiers, and airmen of your unequivocal support and at this time that is probably the most important thing you all can do for the Military that's deployed today. We look forward to your continued support and prayers and may God continue to bless this great Nation and this great State. Thank you very much."

Senator Kerr:

"Thank you Madame President and Speakers of the House. This is an historic night and I'm sorry that our Base Commander, General Rossburg, is overseas. Seymour Johnson is the home of the Strike Eagles with the best aircraft in the world. I know for a fact that my good friend, Steve Turner, led the first flight over Baghdad in 1991 during Desert Storm. I don't know what we're doing this time, but Seymour will be there and tonight we're proud to have Colonel Steven Zander who is the Commander of the Missions Support Group at Seymour. He is in charge of all the nuts and bolts of about thirteen thousand people and we welcome him to tell us what we should do, what we need to do to support our troops in this situation and I'm proud to be the Senator for the Seymour Johnson Air Force Base. As it's been said tonight, it's not noise; it's the sound of freedom. At this time I wish you'd welcome Colonel Zander to the Well of the Senate.

Colonel Steven W. Zander:

"Madame President, Senator Basnight, Speaker Black, and Speaker Morgan, Members of the North Carolina Senate, and the North Carolina House of Representatives, it's an honor to be here with you this evening. The squadrons of the 4th Fighter Wing have been involved in every major conflict since World War II. Today, the 4th Fighter Wing at Seymour Johnson Air Force Base has over 1500 men and women, Air Force warriors, deployed around the world supporting the War on

Terrorism and Operation Iraqi Freedom. This includes F-15's, our A-10 Fighter Group at Pope Air Force Base, supported by the 916 Air Refueling Wing at Seymour Johnson Air Force Base, protecting air power around the world. It also includes aircrews, maintenance members, and bed down personnel. Your voting on this resolution sends a strong signal to our enemies that the Americans in North Carolina stand behind our Military. It sends a strong signal to our warriors that their sacrifices are acknowledged and appreciated. From all the men, women, and their families at Seymour Johnson Air Force Base, thank you for your support. God bless America.”

Senator Ballantine:

“Thank you, Madame President. Colonel Pisano, we are humbled to be honoring you all here today and General Smith, I’m glad you recognized the greatest generation. The youngest Senator in this body is the one that introduced this resolution, and I think after watching the news these last few days, we all would agree that we have the best trained, most intelligent, and courageous service men and women of any Military in history, and we thank you for that. I’m here to introduce Captain Steven Krupa. He’s the Commanding Officer of the United States Coast Guard Support Center at Elizabeth City, Senator Basnight’s District. He was formerly stationed in Wilmington on the Coast Guard Cutter Northwind. He has twenty-six years in the Coast Guard. His primary duties were on Coast Guard Cutters, counter-drug operations, and shipbuilding. He’s been stationed on five different Coast Guard Cutters and commanded two of them. He is married and, as we speak, his wife is on a Coast Guard Cutter patrolling the Caribbean. It’s my great honor and pleasure to introduce Captain Steven Krupa.”

Captain Steven Krupa:

“Thank you Madame President, Senator Basnight, Speaker Black, and Speaker Morgan, Members of the North Carolina Senate, the North Carolina House of Representatives. Quite frankly, I’m from the First District, Elizabeth City, and my House Representative and my Senator know more about the Coast Guard in that District in Pasquotank County and Cape Hatteras than I do, so I’m not going to talk too much about that part of North Carolina, but I really want to remind everyone that I’m the symbol for the Coast Guard men and women in North Carolina. The way we’re organized, we’re like a shotgun blast along your coast. We have nine Coast Guard Stations and five Coast Guard Cutters. We start at Station Oak Island. Just south of Wilmington we have the Marine Safety Office in Wilmington and we go all the way up the coast through Fort Macon, through Cape Hatteras, all the way up to Elizabeth City. Typically, you will find very young men and women anywhere from eighteen to twenty-five years old on those forty-one and forty-four and forty-seven footers coming out to get you if you get in trouble off the coast of North Carolina. Today as I speak there are eight Coast Guard Cutters, patrol boats, four in theater in the Middle East, and four on the way. We have Port Security Units made entirely of reservists around the country in theater and, as I speak, I have several of my own command deployed to support those units in theater as well.

“The State of North Carolina and the Coast Guard have a very long history. If you don’t know, one of the first acts that Alexander Hamilton ever did was to create twelve revenue cutters to enforce customs rules after the Revolutionary War. One of the first ones was stationed in Wilmington, North Carolina. In closing, I can’t thank you enough for the way you embrace Coast Guard men and women in the day-to-day

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affairs of this Assembly, this State Legislature, and the local and state communities. As I speak, the Coast Guard is also embarked with local law enforcement, state law enforcement, and other federal agencies in Operation Liberty Shield - multi-departmental, multi-agency efforts to protect our ports, waterways, and infrastructure from anti-terrorist acts. Our Commandant of the Coast Guard announced that to us several weeks ago and you can rest assured that as our motto which is *Semper Paratus*, Coast Guard men and women will be there on the waterfront. Thank you very much.”

Senator Dannelly:

“Thank you Madame President, Speaker Black, Speaker Morgan, ladies and gentlemen of the General Assembly. I am honored and humbled as a veteran who got his airborne wings over fifty years ago at Fort Benning, Georgia and was subsequently assigned to the 505 at Fort Bragg and served there until I was sent to Korea to lead a heavy weapons platoon. I’m so honored and humbled to stand among these gentlemen to recognize and introduce to you the Adjutant General of the North Carolina National Guard. Now you might be interested in knowing that he’s a North Carolina State graduate and from there he went to various military schools starting in 1970 and ending in 1997 with the United States Army War College. Major General William E. Ingram, Jr. assumed his duties as Adjutant General of the North Carolina National Guard here in Raleigh on July 16, 2001. As Adjutant General, he advises the Governor on military affairs and circumstances and commands the North Carolina Army and Air National Guard and it’s more than 11,600 citizen soldiers and airmen. Major General Ingram received his commission in 1972 from the Officers Candidate School in North Carolina Military Academy at Fort Bragg, completing the program as a distinguished graduate. He has commanded the United Nations forces in Macedonia, Croatia, and Kosovo, and taken leading roles in homeland security and disaster responses at home. It gives me a great deal of pleasure to present to you Major General William E. Ingram Jr., Adjutant General.”

Major General William E. Ingram, Jr.:

“Madame President, Senator Basnight, Speaker Black, and Speaker Morgan, Members of the Senate, and Members of the House of Representatives, thank you for having me here this evening and on behalf of the men and women who wear the uniform of our Country and have worn it in the past, thank you for your support of their service in the Armed Services of the United States. As America and her allies wage war on Iraq, some twenty-two hundred North Carolina National Guard soldiers and airmen are currently on active duty. These soldiers and airmen come from twenty-three cities and towns in North Carolina. Since 9-11 more than twenty-eight hundred have answered the call. Eleven hundred are either inside West Asia right now or are on their way to join the 250,000 U. S. coalition and military men and women already on duty in the Persian Gulf. They include the 211 Military Police Company from Clyde and East Flatrock and the 139th Rear Operations Center from Morrisville. Both of these units have spent a year on active duty in Afghanistan and now find themselves called up for the second time. Three units were at Fort Bragg supporting the mobilization of troops from across our Country. Another unit is at Fort Meade, Maryland providing force protection for both Fort Meade and the National Security Agency that’s headquartered at Fort Meade. Another forty-seven hundred representing forty-eight more communities in North Carolina are alerted and

may be called at any moment. The soldiers and airmen of the North Carolina National Guard come from the length and breadth of this great State, literally from Manteo to Murphy. They're your neighbors, they're your friends, they're North Carolina sons and daughters, husbands and wives and they're also your constituents.

"One question you may have, with all these deployments can the Guard meet the needs of the State should we have a hurricane or another disaster? The answer is absolutely, yes we can. As was mentioned, we have nearly twelve thousand soldiers and airmen in the North Carolina National Guard. We will have enough manpower even with the deployments as well as equipment to take care of any contingencies that may happen in the State during hurricane season. Right now we're doing the Federal War Fighting Mission. We train for it very hard. Hopefully soon that mission will come to a successful end and our young men and women will be returning to North Carolina to their homes. With the kind of enthusiasm and support that you've shown for these great soldiers and these airmen, I want to mention their families. Again, North Carolina families not just centered at the active military bases, but all across North Carolina and uniquely, the employers of these soldiers and airmen need your support as well. We sincerely appreciate the great support that you've provided in the past. Many of you have come to the deployment ceremonies and I look forward to standing with you to welcome these great soldiers and airmen home when the tough job that they're doing in Iraq and other places around the world is complete. The support that you show tonight means more than you can ever imagine. Thank you for recognizing the sacrifice of those who have put their lives on hold to serve us in our Nation's time of need. God bless each of you and may God continue to bless the Great State of North Carolina and the United States of America. Thank you."

Lieutenant Governor Perdue:

"General Mize, General Smith, General Ingram, Colonel Zander, Colonel Laras, Colonel Pisano, Captain Krupa, and to all our military men and women who are serving America from North Carolina bases, to our Coast Guard, and our National Guard, the Members of the Senate and the House, and the citizens of North Carolina thank you for living your life in the service of America and we have for you a special commendation and a North Carolina flag that will be presented to you now as we adjourn this part of the meeting. With that flag and commendation come millions of prayers of love and support from the people who live in this great State. Eight million of us say Godspeed to you and yours."

The Committee Substitute joint resolution passes its second reading (49-0) and third reading with members standing and is ordered sent to the House of Representatives.

H.B. 382, A BILL TO BE ENTITLED AN ACT TO ALLOW DISTRICT COURT JUDGES TO PERFORM MARRIAGE CEREMONIES.

The bill is carried over to the Calendar for tomorrow, Tuesday, March 25, as unfinished business.

Upon motion of Senator Basnight, seconded by Senator Thomas, the Senate adjourns subject to ratification of bills and introduction of bills and in honor of our Military troops, to meet tomorrow, Tuesday, March 25, at 3:00 P.M.

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ENROLLED BILLS

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

S.B. 235, AN ACT TO ALLOW A RETAILER THAT LEASES MOTOR VEHICLES AND THAT HAS PAID THE HIGHWAY USE TAX ON THE MOTOR VEHICLES TO PAY AN ADDITIONAL GROSS RECEIPTS TAX ON THE MOTOR VEHICLES.

S.B. 307, AN ACT TO EXTEND THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE.

INTRODUCTION OF BILLS

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

By Senators Ballantine; Apodaca, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Foxx, Garwood, Hartsell, Horton, Shubert, Sloan and Tillman:

S.B. 499, A BILL TO BE ENTITLED AN ACT TO ALLOW LOW-INCOME ELDERLY AND DISABLED HOMEOWNERS TO DEFER HOMESTEAD PROPERTY TAXES.

Referred to **Finance Committee**.

By Senators Ballantine; Apodaca, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Foxx, Garwood, Hartsell, Rucho, Shubert, Sloan and Tillman:

S.B. 500, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIVISION OF MOTOR VEHICLES TO ISSUE AN AUTISM AWARENESS SPECIAL REGISTRATION PLATE.

Referred to **Finance Committee**.

By Senator Kerr:

S.B. 501, A BILL TO BE ENTITLED AN ACT TO ENHANCE SAFETY LAWS PERTAINING TO THE ELEVATOR AND AMUSEMENT DEVICE ACTS OF NORTH CAROLINA.

Referred to **Commerce Committee**.

By Senator Thomas:

S.B. 502, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A DEPUTY TO GAIN ACCESS TO THE CONTENTS OF A DECEDENT'S SAFE-DEPOSIT BOX.

Referred to **Judiciary II Committee**.

By Senator Swindell:

S.B. 503, A BILL TO BE ENTITLED AN ACT TO UPDATE THE LAWS RELATING TO THE ATTENDANCE AGES AND ELIGIBILITY OF STUDENTS

FOR NORTH CAROLINA SCHOOLS FOR THE DEAF.

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

By Senator Rand:

S.B. 504, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE AMOUNT OF THE CLEAR PROCEEDS OF THE PENALTIES, FINES, AND FORFEITURES COLLECTED BY THE UNIVERSITY OF NORTH CAROLINA THAT IS ALLOCATED TO A LOCAL SCHOOL ADMINISTRATIVE UNIT SHALL BE DECREASED BY THE ACTUAL ASSESSMENT AND COLLECTION COST.

Referred to **Finance Committee**.

By Senators Rand; Hargett and Thomas:

S.B. 505, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A COMPREHENSIVE MILITARY RESOURCE CENTER AT FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE.

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

By Senators Rand and Soles:

S.B. 506, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE THE ADMINISTRATIVE RULES GOVERNING LIFE INSURANCE REPLACEMENTS.

Referred to **Commerce Committee**.

By Senator Rand:

S.B. 507, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO USE AVAILABLE MEDICAID FUNDS FOR THE ISSUANCE OF MEDICAID IDENTIFICATION CARDS AND TO IMPLEMENT OTHER COST SAVING MEASURES.

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

By Senators Albertson; Dalton, Dannelly, Dorsett, Garrou, Gulley, Holloman, Hoyle, Jenkins, Kerr, Lucas, Malone, Moore, Queen, Rand, Reeves, Shaw, Smith, Soles, Stevens and Thomas:

S.B. 508, A BILL TO BE ENTITLED AN ACT TO AMEND THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN PERTAINING TO ELIGIBILITY FOR PLAN COVERAGE FOR CERTAIN TEMPORARY AND OTHER EMPLOYEES.

Referred to **Select Committee on Employee Hospital and Medical Benefits Committee**.

By Senators Dannelly; Carrington, Garrou, Horton and Reeves:

S.B. 509, A BILL TO BE ENTITLED AN ACT TO CONTINUE THE PILOT PROGRAM AUTHORIZED TO USE MENTOR FUNDS FOR FULL-TIME MENTORS.

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

By Senators Reeves; and Carpenter:

S.B. 510, A BILL TO BE ENTITLED AN ACT TO REQUIRE INCREASED

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CUSTOMER SAFETY MEASURES AT UNMANNED AUTOMATIC TELLER MACHINES.

Referred to **Commerce Committee**.

By Senators Rucho; Allran, Apodaca, Ballantine, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Pittenger, Shubert, Stevens, Tillman and Webster:

S.B. 511, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PUBLISH THE REVENUE-NEUTRAL TAX RATE IN YEARS WHEN THERE IS A GENERAL REVALUATION OF REAL PROPERTY.

Referred to **Finance Committee**.

By Senators Rucho; Apodaca, Ballantine, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Horton, Pittenger, Smith, Tillman and Webster:

S.B. 512, A BILL TO BE ENTITLED AN ACT TO PROVIDE A METHOD FOR VALUATION OF MOTOR VEHICLES FOR PROPERTY TAX PURPOSES.

Referred to **Finance Committee**.

By Senators Berger, Hartsell; and Carpenter:

S.B. 513, A BILL TO BE ENTITLED AN ACT TO ADJUST AND UPDATE THE AWARDS UNDER THE SCHEDULE OF INJURIES FOR EMPLOYEES ELIGIBLE FOR COMPENSATION UNDER THE WORKERS' COMPENSATION ACT.

Referred to **Commerce Committee**.

By Senator Albertson:

S.B. 514, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Blake:

S.B. 515, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Blake:

S.B. 516, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Swindell:

S.B. 517, A BILL TO BE ENTITLED AN ACT TO REDUCE THE MINIMUM MEMBERSHIP OF THE GLOBAL TRANSPARK DEVELOPMENT COMMISSION, ALSO CALLED THE EASTERN REGION COMMISSION.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senator Albertson:

S.B. 518, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Purcell:

S.B. 519, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN.

Referred to **Health and Human Resources Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 8:25 P.M.

THIRTY-SECOND DAY

Senate Chamber
Tuesday, March 25, 2003

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

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

"*Eternal Father Strong to Save*. O God, that is the title of a hymn also known as the Navy Hymn.

"In response to the Military leaders who spoke to us last night and in appreciation for their words of encouragement we pray together the fourth stanza of that hymn as our prayer.

" 'O Trinity of love and power, Thy children shield in danger's hour;
From rock and tempest, fire and foe, protect them wheresoe'er they go;
Thus evermore shall rise to Thee glad hymns of praise from land and sea.'
"Amen."

The Chair grants leaves of absence for today to Senator Ballantine and Senator Sloan.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, March 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 T. Meredith from Greenville, North Carolina, who is serving the Senate as Doctor of the Day.

The Senate recesses at 3:17 P.M. subject to introduction of bills, to reconvene at 3:22 P.M.

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INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Dalton:

S.B. 520, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PROPERTY TAX SUBCOMMITTEE OF THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE VALUATION OF PARTIALLY IMPROVED, UNDEVELOPED LOTS IN SUBDIVISIONS.

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

By Senator Rand:

S.B. 521, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE REGULATION OF PYROTECHNIC DISPLAYS.

Referred to **Commerce Committee**.

By Senator Rand:

S.B. 522, A BILL TO BE ENTITLED AN ACT TO REDUCE THE MEMBERS ON THE NORTH CAROLINA BOARD OF NURSING, TO CHANGE THE METHOD BY WHICH CERTAIN MEMBERS ARE ELECTED OR APPOINTED, TO MAKE TECHNICAL CHANGES TO THE NURSING PRACTICE ACT, AND TO REQUIRE THAT HEALTH CARE FACILITIES VERIFY THE LICENSURE STATUS OF APPLICANTS SEEKING EMPLOYMENT AS NURSES.

Referred to **Health and Human Resources Committee**.

By Senator Rand:

S.B. 523, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE KIDS VOTING OF NORTH CAROLINA PROGRAM.

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

By Senator Rand:

S.B. 524, A BILL TO BE ENTITLED AN ACT TO EQUALIZE THE SALES TAX ON AGGREGATES AND ON ASPHALT AND CONCRETE.

Referred to **Finance Committee**.

By Senators Hartsell and Brock:

S.J.R. 525, A JOINT RESOLUTION HONORING THE 250TH ANNIVERSARY OF ROWAN COUNTY AND THE MEMORY OF MATTHEW ROWAN.

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

By Senator Hartsell:

S.B. 526, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE OWNER OF LAND LOSING ACCESS BECAUSE OF RELOCATION OF A ROADWAY BY THE DEPARTMENT OF TRANSPORTATION MAY PETITION FOR THE ESTABLISHMENT OF A CARTWAY.

Referred to **Transportation Committee**.

By Senator Hartsell:

S.B. 527, A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF "DEATH BY VEHICLE" AND TO PROVIDE THAT THE OFFENSE SHALL BE PUNISHED AS A CLASS I FELONY.

Referred to **Judiciary II Committee**.

By Senator Hartsell:

S.B. 528, A BILL TO BE ENTITLED AN ACT TO AMEND THE STRUCTURED SENTENCING LAWS WITH REGARD TO POST-RELEASE SUPERVISION.

Referred to **Judiciary II Committee**.

By Senator Hartsell:

S.B. 529, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WATER AND SEWER AUTHORITIES TO USE THE SETOFF DEBT COLLECTION ACT.

Referred to **Finance Committee**.

By Senator Hartsell:

S.B. 530, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A "BUFFALO SOLDIERS" SPECIAL REGISTRATION PLATE.

Referred to **Finance Committee**.

By Senators Shubert; Allran, Ballantine, Blake, Brock, Carpenter, Carrington, Forrester, Foxx, Garwood, Horton, Pittenger, Stevens, Tillman and Webster:

S.B. 531, A BILL TO BE ENTITLED AN ACT TO PROVIDE PROTECTION AGAINST TERRORISM, IDENTITY THEFT, AND VOTER FRAUD.

Referred to **Judiciary I Committee**.

By Senators Dorsett; Bingham and Hagan:

S.B. 532, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS AND TRANSPORTATION NEEDS OF THE INTERNATIONAL HOME FURNISHINGS MARKET.

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

By Senators Horton; Allran, Apodaca, Ballantine, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Foxx, Garrou, Garwood, Hartsell, Holloman, Rucho, Sloan, Tillman and Webster:

S.B. 533, A BILL TO BE ENTITLED AN ACT TO EXEMPT FAITH-BASED SUBSTANCE ABUSE ORGANIZATIONS FROM MENTAL HEALTH FACILITY LICENSURE REQUIREMENTS.

Referred to **Health and Human Resources Committee**.

RECESS

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

Upon the appearance of Senator Ballantine in the Chamber, the Chair

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acknowledges his presence and the leave of absence granted previously is withdrawn.

REPORTS OF COMMITTEES

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

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

S.B. 51, A BILL TO BE ENTITLED AN ACT TO CLOSE A LOOPHOLE THAT ALLOWS CORPORATIONS TO CONTINUE AVOIDING FRANCHISE TAXES, with a favorable report.

S.B. 288, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE POLK COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS BOARD OF EDUCATION, with a favorable report.

S.B. 396, A BILL TO BE ENTITLED AN ACT TO ANNEX THE RIGHT-OF-WAY OF MCMILLAN STREET TO THE CORPORATE LIMITS OF THE CITY OF RAEFORD, with a favorable report.

S.B. 419, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHADBURN, with a favorable report.

H.B. 135, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS, with a favorable report.

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

S.B. 440, A BILL TO BE ENTITLED AN ACT TO ALLOW THE COURT TO ISSUE AN ORDER FOR ARREST WHEN A DEFENDANT FAILS TO APPEAR IN COURT AFTER RECEIVING A CITATION FOR A MISDEMEANOR, with a favorable report.

S.B. 136, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW GOVERNING DISSENTERS' RIGHTS WITH REGARD TO MAJORITY CONSENT ACTION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15133, is adopted and engrossed.

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

S.B. 117, A BILL TO BE ENTITLED AN ACT TO NAME THE WESTERN JUSTICE ACADEMY IN HONOR OF REPRESENTATIVE LARRY T. JUSTUS, with a favorable report.

S.B. 230, A BILL TO BE ENTITLED AN ACT TO ENACT REVISED ARTICLE 6 OF THE UNIFORM COMMERCIAL CODE, BULK SALES, AND CONFORMING AMENDMENTS TO OTHER ARTICLES OF THE UNIFORM COMMERCIAL CODE, AS RECOMMENDED BY THE GENERAL STATUTES 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 75129, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

S.B. 338, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE LAW PROVIDING THAT CERTAIN SECONDARY SUPPLIERS OF ELECTRIC SERVICE MAY FURNISH SERVICE WITHIN THE CORPORATE LIMITS OF A CITY WITH WRITTEN CONSENT FROM THE CITY, ALLOWING THE MEMBERS OF AN ELECTRIC MEMBERSHIP CORPORATION TO VOTE BY PROXY ON DECISIONS TO ENCUMBER CORPORATE PROPERTY OR TO DISSOLVE THE CORPORATION, AND MAKING TECHNICAL CHANGES TO THE LAW REGARDING MUNICIPAL ELECTRIC SERVICE, with a favorable report.

CALENDAR

A bill on the Calendar carried forward as unfinished business from Monday, March 24, is taken up and disposed of, as follows:

H.B. 382, A BILL TO BE ENTITLED AN ACT TO ALLOW DISTRICT COURT JUDGES TO PERFORM MARRIAGE CEREMONIES.

Senator Rand offers Amendment No. 1 which is adopted (49-0).

The bill, as amended, passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

WITHDRAWAL FROM COMMITTEE

S.B. 528, A BILL TO BE ENTITLED AN ACT TO AMEND THE STRUCTURED SENTENCING LAWS WITH REGARD TO POST-RELEASE SUPERVISION, referred to the **Judiciary II Committee** on March 25.

Pursuant to Rule 47(a), Senator Rand 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**.

CALENDAR *(continued)*

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

S.B. 292, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF
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RALEIGH TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 294, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CRAVEN COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD TO PROVIDE ITS OWN LAW ENFORCEMENT PERSONNEL AND TO CONTRACT FOR ADDITIONAL LAW ENFORCEMENT SERVICES.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

H.B. 35 (Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING THE TOWN OF WAYNESVILLE FROM THE MAILED NOTICE PROVISION OF G.S. 160A-384 WHEN THE ENTIRE ZONING JURISDICTION IS REZONED.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled.

S.B. 38, A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE DEPARTMENT OF TRANSPORTATION AS THE STATE AGENCY RESPONSIBLE FOR FIXED GUIDEWAY TRANSIT SAFETY, PURSUANT TO FEDERAL LAW, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 242, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FIRE DEPARTMENTS TO HONOR RETIRING OR DECEASED FIREFIGHTERS BY AWARDED THEIR FIRE HELMETS TO THEM OR TO A SURVIVING RELATIVE.

Upon motion of Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, April 2.

S.J.R. 416 (Committee Substitute), A JOINT RESOLUTION SETTING THE DATE FOR THE SENATE AND THE HOUSE OF REPRESENTATIVES TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES.

The Committee Substitute joint resolution passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

SENATE PAGES

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

Rebekah Borkowski, North Wilkesboro; Nathan Borkowski, North Wilkesboro; Deborah Lynn Cramer, Gastonia; Margarita P. Crepsac, Raleigh; Charles Erick Crepsac, Raleigh; Melissa N. Daniels, Raleigh; Ashley Teresa Hukins, Knightdale; Andrew P. Hutchinson, North Wilkesboro; Laura Kennedy, Raleigh; Christopher J. Kirby, Clayton; Trevor Nicholson, Apex; Charles Bingham Tanzini, Raleigh; and Natalie Joy Vinson, Clayton.

REPORTS OF COMMITTEES

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

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

S.B. 245, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HUNTING OF COYOTES IN CONTROLLED HUNTING PRESERVES AND TO MAKE IT UNLAWFUL TO IMPORT LIVE COYOTES INTO THIS STATE, with a favorable report.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 42 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MODIFYING THE FELONY AND MISDEMEANOR OFFENSES RELATED TO CONDUCTING CERTAIN UNAUTHORIZED SOUND AND VIDEO RECORDINGS.

Referred to **Judiciary I Committee**.

H.B. 63, A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT SO THAT VACANCIES IN THE OFFICE OF SHERIFF OF RICHMOND COUNTY WILL BE FILLED IN ACCORDANCE WITH G.S. 162-5.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 68 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF SPRING LAKE AND THE CITY OF NEWTON TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 70, A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT SO THAT THE GENERAL LAW ON DEFINITION OF A SUBDIVISION APPLIES IN PENDER COUNTY.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 153, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S GARBAGE AND TRASH ORDINANCE, AUTHORIZING THE CITY TO TAKE REMEDIAL ACTION REGARDING THE GARBAGE AND TRASH ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR, AND CLARIFYING THE LANGUAGE AS TO WHAT CONSTITUTES A

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CHRONIC VIOLATOR UNDER THE CITY'S CURRENT ORDINANCE REGARDING OVERGROWN VEGETATION.

Referred to **State Government, Local Government, and Veterans' Affairs Committee.**

H.B. 263, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF LUMBERTON TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS.

Referred to **State Government, Local Government, and Veterans' Affairs Committee.**

H.B. 304 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DEFENDANT CONVICTED OF MISDEMEANOR STALKING WHO IS SENTENCED TO A COMMUNITY PUNISHMENT SHALL BE PLACED ON SUPERVISED PROBATION IN ADDITION TO ANY OTHER PUNISHMENT IMPOSED BY THE COURT.

Referred to **Judiciary II Committee.**

H.B. 340 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER.

Referred to **Education/Higher Education 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 Hoyle for the **Finance Committee:**

S.B. 100, A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY IN STATE GOVERNMENT BY ALLOWING A SALES AND USE TAX EXEMPTION FOR STATE AGENCIES INSTEAD OF A SALES AND USE TAX REFUND TO STATE AGENCIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55109, is adopted and engrossed.

S.B. 244, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO RECOGNIZE RETIRED NURSES BY SPECIAL LICENSURE STATUS AND TO ESTABLISH A FEE FOR THIS STATUS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75139, is adopted and engrossed.

Upon motion of Senator Basnight, seconded by Senator Hagan, the Senate adjourns at 4:02 P.M. to meet tomorrow, Wednesday, March 26, at 3:00 P.M.

THIRTY-THIRD DAY

Senate Chamber
Wednesday, March 26, 2003

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, from very early in our lives we have been taught that there are 'two sides to every story.' As wise and well-meaning as our mentors may have been, they left out part of the story.

"As we express our own ideas and listen to those who differ from us, make us humble enough to listen to a third viewpoint, yours, and be persuaded by Your spirit to consider it. Then we shall find the secret of harmony and agreement, because You, O God, are always right. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, March 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. Lynn A. Hughes from Concord, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILL

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

H.B. 35, AN ACT EXEMPTING THE TOWN OF WAYNESVILLE FROM THE MAILED NOTICE PROVISION OF G.S. 160A-384 WHEN THE ENTIRE ZONING JURISDICTION IS REZONED.

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 Hartsell for the **Judiciary II Committee**:

S.B. 275, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT, with a favorable report.

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

S.B. 353, A BILL TO BE ENTITLED AN ACT TO REQUIRE SOLICITORS OF CHARITABLE SOLICITATIONS THAT REQUEST CONTRIBUTIONS BY TELEPHONE TO, WHEN REQUESTED BY THE PERSON BEING SOLICITED ON THE TELEPHONE, CLEARLY DISCLOSE TO THAT PERSON AT THE TIME OF THE REQUEST THE FIXED PERCENTAGE OF THE GROSS REVENUES THAT THE CHARITABLE ORGANIZATION OR SPONSOR WILL RECEIVE AS A BENEFIT FROM THE SOLICITATION CAMPAIGN AND SEND THAT PERSON A COPY OF THE SOLICITOR'S MOST RECENT FINANCIAL REPORT, TO REQUIRE THIS PERCENTAGE TO BE INCLUDED IN THE SOLICITOR'S FINANCIAL REPORT, AND TO PROHIBIT A PERSON FROM MISREPRESENTING THIS REQUESTED INFORMATION, with a favorable report.

S.B. 57, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CAROLINA BEACH TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85118, which changes the title to read **S.B. 57** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF CAROLINA BEACH AND WRIGHTSVILLE BEACH TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES, is adopted and engrossed.

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

S.B. 122, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE TOWN OF RANLO, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35140, which changes the title to read **S.B. 122** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE CITIES OF GASTONIA AND LOCUST AND THE TOWNS OF PINE LEVEL AND RANLO, is adopted and engrossed.

Upon motion of Senator Hoyle, the Committee Substitute bill is placed on the Calendar for Tuesday, April 1.

S.B. 295, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES TO SUPPORT NURSING SCHOLARSHIPS IN NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15139, which changes the title to read **S.B. 295** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES FOR NURSES, PARAMEDICS, THE NORTH CAROLINA COASTAL FEDERATION, AND THE ALPHA KAPPA ALPHA SORORITY, is adopted and engrossed.

Upon motion of Senator Hoyle, the Committee Substitute bill is placed on the Calendar for Tuesday, April 1.

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

S.B. 220, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STREAMLINED PROGRAM FOR PERMITTING THE MANAGEMENT OF WINERY WASTEWATER, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75138, is adopted and engrossed.

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

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

S.B. 356, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF HENDERSON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE, with a favorable report.

H.B. 432, A BILL TO BE ENTITLED AN ACT PROVIDING THAT STATE EMPLOYEES, PUBLIC SCHOOL EMPLOYEES, AND COMMUNITY COLLEGE EMPLOYEES MAY SHARE LEAVE VOLUNTARILY, with a favorable report.

S.B. 387, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE EDGECOMBE COUNTY SCHOOL SYSTEM, with a favorable report, as amended.

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

S.B. 425, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE COUNTY OF CABARRUS TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE IN LIEU OF PUBLICATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65156, is adopted and engrossed.

CALENDAR

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

S.B. 230 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT REVISED ARTICLE 6 OF THE UNIFORM COMMERCIAL CODE, BULK SALES, AND CONFORMING AMENDMENTS TO OTHER ARTICLES OF THE UNIFORM COMMERCIAL CODE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, April 2.

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S.B. 396, A BILL TO BE ENTITLED AN ACT TO ANNEX THE RIGHT-OF-WAY OF MCMILLAN STREET TO THE CORPORATE LIMITS OF THE CITY OF RAEFORD, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Thursday, March 27, upon third reading.

S.B. 419, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHADBOURN, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Thursday, March 27, upon third reading.

H.B. 135, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Thursday, March 27, upon third reading.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
March 25, 2003

Madame President:

It is ordered that a message be sent to your Honorable Body with the information that the House fails to concur in the Senate Amendment to HB 382, A BILL TO BE ENTITLED AN ACT TO ALLOW DISTRICT COURT JUDGES TO PERFORM MARRIAGE CEREMONIES, and requests conferees.

Speaker Black has appointed:

Representative Tolson, Chair,
Representative Haire,
Representative Sutton, and
Representative Brubaker

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. 288, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE POLK COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS BOARD OF EDUCATION.

The bill passes its second (49-1) and third readings and is ordered sent to the House of Representatives.

S.B. 51, A BILL TO BE ENTITLED AN ACT TO CLOSE A LOOPHOLE THAT ALLOWS CORPORATIONS TO CONTINUE AVOIDING FRANCHISE TAXES, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Thursday, March 27, upon third reading.

S.B. 100 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY IN STATE GOVERNMENT BY ALLOWING A SALES AND USE TAX EXEMPTION FOR STATE AGENCIES INSTEAD OF A SALES AND USE TAX REFUND TO STATE AGENCIES.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

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S.B. 117, A BILL TO BE ENTITLED AN ACT TO NAME THE WESTERN JUSTICE ACADEMY IN HONOR OF REPRESENTATIVE LARRY T. JUSTUS.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 136 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW GOVERNING DISSENTERS' RIGHTS WITH REGARD TO MAJORITY CONSENT ACTION.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 244 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO RECOGNIZE RETIRED NURSES BY SPECIAL LICENSURE STATUS AND TO ESTABLISH A FEE FOR THIS STATUS.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 245, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HUNTING OF COYOTES IN CONTROLLED HUNTING PRESERVES AND TO MAKE IT UNLAWFUL TO IMPORT LIVE COYOTES INTO THIS STATE.

The bill passes its second (46-4) and third readings and is ordered sent to the House of Representatives.

S.B. 338, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE LAW PROVIDING THAT CERTAIN SECONDARY SUPPLIERS OF ELECTRIC SERVICE MAY FURNISH SERVICE WITHIN THE CORPORATE LIMITS OF A CITY WITH WRITTEN CONSENT FROM THE CITY, ALLOWING THE MEMBERS OF AN ELECTRIC MEMBERSHIP CORPORATION TO VOTE BY PROXY ON DECISIONS TO ENCUMBER CORPORATE PROPERTY OR TO DISSOLVE THE CORPORATION, AND MAKING TECHNICAL CHANGES TO THE LAW REGARDING MUNICIPAL ELECTRIC SERVICE.

Without objection, Senator Clodfelter and Senator Sloan request to be excused from voting on the bill due to a conflict of interest.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 440, A BILL TO BE ENTITLED AN ACT TO ALLOW THE COURT TO ISSUE AN ORDER FOR ARREST WHEN A DEFENDANT FAILS TO APPEAR IN COURT AFTER RECEIVING A CITATION FOR A MISDEMEANOR.

The bill passes its second (49-1) and third readings and is ordered sent to the House of Representatives.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 382, A BILL TO BE ENTITLED AN ACT TO ALLOW DISTRICT COURT JUDGES TO PERFORM MARRIAGE CEREMONIES.

Pursuant to the message from the House of Representatives received today,

Wednesday, March 26, that the House of Representatives fails to concur in Senate Amendment No. 1 and requests conferees, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Rand, Chair, and Senator Clodfelter and Senator Carrington as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 382**, A BILL TO BE ENTITLED AN ACT TO ALLOW DISTRICT COURT JUDGES TO PERFORM MARRIAGE CEREMONIES, 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 382, A BILL TO BE ENTITLED AN ACT TO ALLOW DISTRICT COURT JUDGES TO PERFORM MARRIAGE CEREMONIES, submit the following report:

The Senate recesses from its amendment #1.

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

Date Conferees approved report: March 26, 2003.

Conferees for the Senate

S/Anthony E. Rand, Chair
S/John H. Carrington
S/Daniel G. Clodfelter

Conferees for the
House of Representatives

S/Joe P. Tolson, Chair
S/R. Phillip Haire
S/Ronnie Sutton
S/Harold Brubaker

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 Webster, the remarks by Senator Rand are spread upon the Journal, as follows.

Senator Rand:

"Madame President, the House voted one hundred and something to I think about fifteen to reject our amendment. I have told those interested as long as I have anything to do with it there will never be another bill allowing a judge to marry anybody. If I could stop them from marrying women I would, but I can't. In light of the fact that there's a wedding planned for this Saturday, and I don't want to mess up Representative Tolson, I would move that in light of the plans that have been made and Representative Tolson and all that, I would move that we do adopt the conference report, but I will say to you that as far as I'm concerned, it will be the last one you will see."

March 26, 2003

Upon motion of Senator Rand, the Conference Report is adopted (37-3).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

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 48: Juvenile Justice Planning Committee.

Upon motion of Senator Rand, seconded by Senator Foxx, the Senate adjourns subject to reading of messages from the House of Representatives and introduction of bills, to meet tomorrow Thursday, March 27, at 11:00 A.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Dalton; Albertson, Apodaca, Ballantine, Berger, Blake, Brock, Carpenter, Carrington, Forrester, Foxx, Garwood, Hargett, Holloman, Horton, Hoyle, Jenkins, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Thomas, Tillman, Webster and Weinstein:

S.B. 534, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PAY JUST COMPENSATION FOR REMOVAL OF LAWFULLY ERECTED BUILDINGS, STRUCTURES, OUTDOOR ADVERTISING, OR PERSONAL PROPERTY AND TO AUTHORIZE LOCAL GOVERNMENTS TO ENTER INTO RELOCATION AND RECONSTRUCTION AGREEMENTS WITH OWNERS OF NONCONFORMING PROPERTIES.

Referred to **Finance Committee.**

By Senator Hoyle:

S.B. 535, A BILL TO BE ENTITLED AN ACT TO SET THE COMPENSATION PAID BY THE DIVISION OF MOTOR VEHICLES TO CONTRACT AGENCIES.

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

By Senators Hoyle; Apodaca, Garrou, Kinnaird, Pittenger, Rand, Smith and Thomas:

S.B. 536, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE SMALL BUSINESS OMBUDSMAN OFFICE IN THE DEPARTMENT OF COMMERCE.

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

By Senator Rand:

S.B. 537, 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 Holloman:

S.J.R. 538, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ELMER "E.V." WILKINS, FORMER EDUCATOR AND CIVIC LEADER.

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

By Senators Rand, Hartsell; and Smith:

S.B. 539, A BILL TO BE ENTITLED AN ACT AMENDING THE LAW GOVERNING THE LIMITED PRACTICE OF OUT-OF-STATE ATTORNEYS-AT-LAW AND THE OPERATION OF THE COUNCIL AND DISCIPLINARY HEARING COMMISSION OF THE NORTH CAROLINA STATE BAR.

Referred to **Judiciary I Committee**.

By Senators Hartsell; Foxx and Smith:

S.B. 540, A BILL TO BE ENTITLED AN ACT PROVIDING FOR A SEPARATE PROCESS REQUIRING AGENCIES TO REVIEW THE ECONOMIC IMPACT OF PROPOSED RULES ON SMALL BUSINESS BEFORE PUBLISHING THE PROPOSED TEXT OF THE RULE IN THE NORTH CAROLINA REGISTER.

Referred to **Commerce Committee**.

By Senator Hartsell:

S.B. 541, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Hartsell:

S.B. 542, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Hartsell:

S.B. 543, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Dannelly:

S.B. 544, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Dannelly:

S.B. 545, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Dannelly:

S.B. 546, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

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By Senator Dannelly:

S.B. 547, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 55 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FIRE DEPARTMENTS TO HONOR RETIRING OR DECEASED FIREFIGHTERS BY AWARDING THEIR FIRE HELMETS TO THEM OR TO A SURVIVING RELATIVE.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 223, A BILL TO BE ENTITLED AN ACT TO PERMIT THE STATE BOARD OF COMMUNITY COLLEGES TO USE CERTAIN FUNDS TO PROVIDE FINANCIAL ASSISTANCE TO STUDENTS WITH DISABILITIES.

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

H.B. 234, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION PROCESS FOR COMMUNITY COLLEGE STUDENTS REQUESTING FINANCIAL ASSISTANCE.

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

H.B. 356, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE LAW PROVIDING THAT CERTAIN SECONDARY SUPPLIERS OF ELECTRIC SERVICE MAY FURNISH SERVICE WITHIN THE CORPORATE LIMITS OF A CITY WITH WRITTEN CONSENT FROM THE CITY, ALLOWING THE MEMBERS OF AN ELECTRIC MEMBERSHIP CORPORATION TO VOTE BY PROXY ON DECISIONS TO ENCUMBER CORPORATE PROPERTY OR TO DISSOLVE THE CORPORATION, AND MAKING TECHNICAL CHANGES TO THE LAW REGARDING MUNICIPAL ELECTRIC SERVICE.

Referred to **Commerce Committee**.

H.B. 461, A BILL TO BE ENTITLED AN ACT TO DELAY THE EFFECTIVE DATE OF THE INTERPRETER AND TRANSLITERATOR LICENSURE ACT.

Referred to **Health and Human Resources Committee**.

H.B. 475, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTE PERTAINING TO REGISTRATION OF BIRTH AND DEATH CERTIFICATES.

Referred to **Commerce Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
March 26, 2003

Madame President:

It is ordered that a message be sent to your Honorable Body with the information that the House has adopted the report of the Conferees on HB 382, A BILL TO BE ENTITLED AN ACT TO ALLOW DISTRICT COURT JUDGES TO PERFORM MARRIAGE CEREMONIES.

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

Pursuant to Senator Rand's motion to adjourn having prevailed, the Senate adjourns at 5:03 P.M.

THIRTY-FOURTH DAY

Senate Chamber
Thursday, March 27, 2003

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 H. Lucas, Senator from Durham County, as follows:

"Let us pray. Almighty God, Creator of us all, we come to you this morning with thanksgiving and supplication in our hearts.

"Thank you, Father, for blessing us with the many wonderful people in this Senate family, for all they do and advance positively for the people of this State and beyond, especially Senators Brock and Rand, for the resolution.

"You said in your Word Matthew 7, verses 7 and 8:

'Ask, and it shall be given you': grace and mercy for our troops and families,

'Seek and ye shall find': resolution to our daily challenges,

'Knock and it shall be opened unto you': peace in the world.

"In your mighty and Holy Name we pray. Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, March 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. W. Grimes Byerly, Jr. from Hickory, 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. 382 AN ACT TO ALLOW DISTRICT COURT JUDGES TO PERFORM MARRIAGE CEREMONIES.

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. 35, AN ACT EXEMPTING THE TOWN OF WAYNESVILLE FROM THE MAILED NOTICE PROVISION OF G.S. 160A-384 WHEN THE ENTIRE ZONING JURISDICTION IS REZONED. (Became law upon ratification, March 26, 2003—S.L. 2003-3.)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 36 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW THAT AUTHORIZES THE INVOLUNTARY STERILIZATION OF PERSONS WHO ARE MENTALLY ILL OR MENTALLY RETARDED, TO PERMIT THE STERILIZATION OF MENTALLY ILL OR MENTALLY RETARDED WARDS ONLY WHEN THERE IS A MEDICAL NECESSITY, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

Referred to **Health and Human Resources Committee**.

H.B. 320, 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**.

H.B. 510, A BILL TO BE ENTITLED AN ACT TO INCLUDE A VIOLATION OF G.S. 20-123.2 AS A LESSER INCLUDED OFFENSE IN A SPEEDING VIOLATION.

Referred to **Judiciary I Committee**.

H.B. 549, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ELECTION FUND REQUIRED BY THE HELP AMERICA VOTE ACT OF 2002 (HAVA) AS A CONDITION FOR RECEIVING FEDERAL FUNDS UNDER THAT ACT.

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

REPORTS OF COMMITTEES

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

By Senator Shaw for the **Transportation Committee**:

S.B. 384, A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN LOOP, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15149, which changes the title to read **S.B. 384** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN LOOP AND INTRASTATE IMPROVEMENT PROJECTS, is adopted and engrossed.

Upon motion of Senator Shaw, the Committee Substitute bill is placed on the Calendar for Tuesday, April 1.

CALENDAR

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

S.B. 353, A BILL TO BE ENTITLED AN ACT TO REQUIRE SOLICITORS OF CHARITABLE SOLICITATIONS THAT REQUEST CONTRIBUTIONS BY TELEPHONE TO, WHEN REQUESTED BY THE PERSON BEING SOLICITED ON THE TELEPHONE, CLEARLY DISCLOSE TO THAT PERSON AT THE TIME OF THE REQUEST THE FIXED PERCENTAGE OF THE GROSS REVENUES THAT THE CHARITABLE ORGANIZATION OR SPONSOR WILL RECEIVE AS A BENEFIT FROM THE SOLICITATION CAMPAIGN AND SEND THAT PERSON A COPY OF THE SOLICITOR'S MOST RECENT FINANCIAL REPORT, TO REQUIRE THIS PERCENTAGE TO BE INCLUDED IN THE SOLICITOR'S FINANCIAL REPORT, AND TO PROHIBIT A PERSON FROM MISREPRESENTING THIS REQUESTED INFORMATION.

Upon motion of Senator Bingham, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 1.

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 Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

S.B. 330, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF RALEIGH, THE TOWN OF HOLLY SPRINGS, AND WAKE COUNTY TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND ALLOW FOR THE PROTECTION OF SPECIMEN

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TREES DURING THE DEVELOPMENT PROCESS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85129, which changes the title to read **S.B. 330** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF RALEIGH AND THE TOWNS OF APEX AND HOLLY SPRINGS TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND AUTHORIZING THE CITY OF RALEIGH TO ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE DEVELOPMENT PROCESS, is adopted and engrossed.

Upon motion of Senator Kinnaird, the Committee Substitute bill is placed on the Calendar for Tuesday, April 1.

S.B. 389, A BILL TO BE ENTITLED AN ACT EXTENDING THE SUNSET RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL AND CONVEY REAL ESTATE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55116, which changes the title to read **S.B. 389** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REENACTING THE SUBSTANTIVE PROVISIONS OF S.L. 2000-65 RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL AND CONVEY REAL ESTATE, is adopted and engrossed.

Upon motion of Senator Kinnaird, the Committee Substitute bill is placed on the Calendar for Tuesday, April 1.

CALENDAR *(continued)*

S.B. 396, A BILL TO BE ENTITLED AN ACT TO ANNEX THE RIGHT-OF-WAY OF MCMILLAN STREET TO THE CORPORATE LIMITS OF THE CITY OF RAEFORD, 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foyx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 419, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHADBOURN, 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foyx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles,

Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

H.B. 135, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS, 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 57 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF CAROLINA BEACH AND WRIGHTSVILLE BEACH TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 356, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF HENDERSON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEDED LOT ORDINANCE.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 387, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE EDGECOMBE COUNTY SCHOOL SYSTEM.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 425 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE COUNTY OF CABARRUS TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE IN LIEU OF PUBLICATION.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 51, A BILL TO BE ENTITLED AN ACT TO CLOSE A LOOPHOLE THAT ALLOWS CORPORATIONS TO CONTINUE AVOIDING FRANCHISE TAXES, 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles,

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Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

H.B. 432, A BILL TO BE ENTITLED AN ACT PROVIDING THAT STATE EMPLOYEES, PUBLIC SCHOOL EMPLOYEES, AND COMMUNITY COLLEGE EMPLOYEES MAY SHARE LEAVE VOLUNTARILY.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM COMMITTEE

S.B. 349, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF CASHIERS, referred to the **Rules and Operations of the Senate Committee** on March 11.

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

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

H.B. 70, A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT SO THAT THE GENERAL LAW ON DEFINITION OF A SUBDIVISION APPLIES IN PENDER COUNTY, referred to the **State Government, Local Government, and Veterans' Affairs Committee** on March 25.

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

The Chair orders the bill withdrawn from the **State Government, Local Government, and Veterans' Affairs Committee** and re-refers the measure to the **Commerce Committee**.

Upon motion of Senator Basnight, seconded by Senator Queen, the Senate adjourns subject to introduction of bills, to meet Monday, March 31, at 7:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Hagan; Berger, Clodfelter, Dannelly, Dorsett, Holloman, Lucas, Malone, Moore, Reeves and Shaw:

S.B. 548, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE INTERNATIONAL CIVIL RIGHTS CENTER AND MUSEUM.

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

By Senator Hagan:

S.B. 549, A BILL TO BE ENTITLED AN ACT TO ADOPT THE REVISED

UNIFORM PRINCIPAL AND INCOME ACT.

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

By Senator Hagan:

S.B. 550, A BILL TO BE ENTITLED AN ACT TO IMPROVE AND STRENGTHEN CREMATION LAW IN NORTH CAROLINA AND TO IMPROVE AND MAKE TECHNICAL CORRECTIONS TO THE FUNERAL LAW.

Referred to **Commerce Committee**.

By Senators Lucas, Shaw and Holloman:

S.B. 551, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING THE CLEAN WATER MANAGEMENT TRUST FUND BY INCLUDING IN THE LIST OF ELIGIBLE GRANT APPLICANTS CERTAIN NONPROFIT CORPORATIONS WHOSE PRIMARY PURPOSE IS THE PROMOTION OF HEALTH, WELFARE, AND SAFETY OR SOCIOECONOMIC IMPROVEMENT OF ECONOMICALLY DISTRESSED COMMUNITIES AND BY MODIFYING THE QUALIFICATIONS, POWERS, AND DUTIES OF THE TRUSTEES OF THE FUND.

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

By Senators Dannelly; and Clodfelter:

S.B. 552, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE USE OF PHOTOGRAPHIC SPEED-MEASURING SYSTEMS.

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

By Senators Albertson; Bingham, Brock, Carpenter, Carrington, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hartsell, Holloman, Hoyle, Jenkins, Kerr, Lucas, Malone, Metcalf, Moore, Pittenger, Reeves, Rucho, Shubert, Sloan, Smith, Soles, Stevens, Tillman, Webster and Weinstein:

S.J.R. 553, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATING TO IMMIGRATION.

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

By Senators Garrou; and Dalton:

S.B. 554, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT QUALITY TEACHERS = QUALITY EDUCATION.

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

By Senators Stevens; Apodaca, Berger, Bingham, Blake, Carrington, Clodfelter, Forrester, Foxx, Garwood, Hartsell, Horton, Malone, Moore, Pittenger, Queen, Rand, Reeves, Rucho, Shubert, Smith and Tillman:

S.B. 555, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT IT IS A FELONY FOR A SCHOOL SAFETY OFFICER TO HAVE SEXUAL CONTACT OR TAKE INDECENT LIBERTIES WITH A STUDENT.

Referred to **Judiciary I Committee**.

March 27, 2003

By Senators Hoyle; Apodaca, Bingham, Carpenter, Foxx, Malone, Metcalf, Purcell, Queen, Rand, Shaw, Sloan, Stevens, Swindell, Thomas and Weinstein:

S.B. 556, A BILL TO BE ENTITLED AN ACT TO REGULATE PERSONS SEEKING TO ENGAGE IN BUSINESS AS TICKET BROKERS AND TO APPLY THE PRIVILEGE TAX ON AMUSEMENTS TO SERVICES PROVIDED BY TICKET BROKERS.

Referred to **Finance Committee**.

By Senators Hoyle and Smith:

S.B. 557, A BILL TO BE ENTITLED AN ACT REQUIRING A TAXICAB DRIVER TO PASS A CONTROLLED SUBSTANCE EXAMINATION BEFORE BEING LICENSED AS A TAXICAB DRIVER IN THIS STATE.

Referred to **Commerce Committee**.

By Senators Hoyle, Swindell, Berger; and Smith:

S.B. 558, A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS AND TRANSFERORS OF MOTOR VEHICLES UNAWARE OF PRIOR DAMAGE OR WHEN PRIOR DAMAGE WAS MINOR.

Referred to **Commerce Committee**.

By Senators Hoyle, Swindell and Berger:

S.B. 559, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAWS.

Referred to **Commerce Committee**.

By Senator Rand:

S.B. 560, A BILL TO BE ENTITLED AN ACT REVISING REAL ESTATE LICENSING EXAMINATION PROCEDURES, CLARIFYING CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE LICENSEES, AND ENABLING THE REAL ESTATE COMMISSION TO PERMIT LIMITED COMMERCIAL PRACTICE BY NONRESIDENT REAL ESTATE BROKERS.

Referred to **Commerce Committee**.

By Senator Rand:

S.B. 561, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT THAT NOTICES OF LEGISLATIVE MEETINGS BE POSTED ON THE PRESS ROOM DOOR AND REPLACING IT WITH A REQUIREMENT OF ELECTRONIC POSTING.

Referred to **Judiciary I Committee**.

By Senator Reeves:

S.B. 562, A BILL TO BE ENTITLED AN ACT PERTAINING TO RURAL INFRASTRUCTURE.

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

By Senator Hagan:

S.B. 563, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAWS REGULATING ATHLETE AGENTS AND TO ADOPT THE UNIFORM ATHLETE AGENTS ACT.

Referred to **Judiciary II Committee**.

By Senator Albertson:

S.B. 564, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA FISHERMEN'S FUND.

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

By Senator Gulley:

S.B. 565, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

ADDITIONAL SPONSOR

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

S.B. 536, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE SMALL BUSINESS OMBUDSMAN OFFICE IN THE DEPARTMENT OF COMMERCE.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 11:34 A.M.

THIRTY-FIFTH DAY

Senate Chamber
Monday, March 31, 2003

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, from our world of worry and war we begin a new week in the Senate calling upon You for guidance.

"From the uncertainty of the future deliver us to thoughts of hope.

"Help us to live with a sense of gratitude for encouragement received, for tasks we have finished, for work we still have to do, for friends and family to love, for loads to lift from other's shoulders, and for hope to share. In your Holy Name we pray, Amen."

The Chair grants a leave of absence for tonight to Senator Berger.

Senator Rand announces that the Journal of Thursday, March 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.

March 31, 2003

Warner L. Hall, Jr. from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 237 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES TO SUPPORT NURSING SCHOLARSHIPS IN NORTH CAROLINA.

Referred to **Finance Committee**.

H.B. 355, A BILL TO BE ENTITLED AN ACT TO OFFICIALLY DESIGNATE THE INDIANS PREVIOUSLY RECOGNIZED IN THE GENERAL STATUTES AS THE INDIANS OF PERSON COUNTY AS SAPPONY.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 482 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE AN ALPHA KAPPA ALPHA SORORITY SPECIAL REGISTRATION PLATE.

Referred to **Finance Committee**.

ENROLLED BILLS

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

H.B. 432, AN ACT PROVIDING THAT STATE EMPLOYEES, PUBLIC SCHOOL EMPLOYEES, AND COMMUNITY COLLEGE EMPLOYEES MAY SHARE LEAVE VOLUNTARILY.

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

H.B. 135, AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS.

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. 382, AN ACT TO ALLOW DISTRICT COURT JUDGES TO PERFORM MARRIAGE CEREMONIES. (Became law upon approval of the Governor, March 28, 2003–S.L. 2003-4.)

S.B. 235, AN ACT TO ALLOW A RETAILER THAT LEASES MOTOR

VEHICLES AND THAT HAS PAID THE HIGHWAY USE TAX ON THE MOTOR VEHICLES TO PAY AN ADDITIONAL GROSS RECEIPTS TAX ON THE MOTOR VEHICLES. (Became law upon approval of the Governor, March 28, 2003–S.L. 2003-5.)

WITHDRAWAL FROM COMMITTEE

S.J.R. 392, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MARY LEWIS WYCHE, FOUNDER AND FIRST PRESIDENT OF THE NORTH CAROLINA NURSES ASSOCIATION AND ONE OF THE THREE NURSES APPOINTED TO THE FIRST NORTH CAROLINA BOARD OF NURSE EXAMINERS, ON THE ONE HUNDREDTH ANNIVERSARY OF PROFESSIONAL NURSING IN NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on March 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 Wednesday, April 2, 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, April 2.

Upon motion of Senator Dannelly, seconded by Senator Kinnaird, the Senate adjourns subject to introduction of bills, to meet tomorrow, Tuesday, April 1, at 3:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Rucho:

S.B. 566, A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITATIONS ON AGREEMENTS OR CONTRACTS THAT LIMIT THE RIGHTS OF PERSONS TO DO BUSINESS OR OBTAIN EMPLOYMENT IN THE STATE.

Referred to **Judiciary I Committee**.

By Senators Hoyle; Apodaca, Forrester, Kerr and Malone:

S.B. 567, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FEDERAL FUNDS UNDER THE TANF BLOCK GRANT FOR BOYS AND GIRLS CLUBS.

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

By Senators Gulley; Blake, Carpenter, Hagan, Hartsell, Horton, Hoyle, Jenkins, Kerr, Lucas, Metcalf, Moore, Purcell, Rand, Shaw, Smith and Weinstein:

S.B. 568, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO MAKE THE SUPERINTENDENT OF PUBLIC INSTRUCTION AN APPOINTEE OF THE GOVERNOR AND TO MAKE CORRESPONDING STATUTORY CHANGES.

Referred to **Judiciary I Committee**.

By Senators Allran; Apodaca, Ballantine, Berger, Blake, Brock, Carpenter, Foxx,

March 31, 2003

Garwood, Pittenger, Rucho, Shubert, Sloan, Smith, Stevens and Tillman:

S.B. 569, A BILL TO BE ENTITLED AN ACT TO PROHIBIT COVERAGE FOR ABORTIONS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

Referred to **Select Committee on Employee Hospital and Medical Benefits** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Allran; Apodaca, Ballantine, Berger, Blake, Brock, Carpenter, Forrester, Foxx, Garwood, Hartsell, Pittenger, Rucho, Shubert, Sloan, Smith, Stevens and Tillman:

S.B. 570, A BILL TO BE ENTITLED AN ACT TO REVISE THE PROCEDURES PERTAINING TO PARENTAL CONSENT FOR A MINOR TO OBTAIN AN ABORTION.

Referred to **Judiciary I Committee**.

By Senators Allran, Foxx; Apodaca, Ballantine, Berger, Blake, Brock, Carpenter, Forrester, Garwood, Hartsell, Pittenger, Rucho, Shubert, Sloan, Smith, Stevens and Tillman:

S.B. 571, A BILL TO BE ENTITLED AN ACT TO REQUIRE A TWENTY-FOUR HOUR WAITING PERIOD AND THE INFORMED CONSENT OF A PREGNANT WOMAN BEFORE AN ABORTION MAY BE PERFORMED.

Referred to **Judiciary I Committee**.

By Senators Clodfelter; Rand and Reeves:

S.B. 572, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE EIGHT-YEAR TERMS FOR DISTRICT COURT JUDGES.

Referred to **Judiciary I Committee**.

By Senators Clodfelter; and Soles:

S.B. 573, A BILL TO BE ENTITLED AN ACT TO REQUIRE INSURERS TO INFORM COVERED PERSONS ABOUT ASSISTANCE AVAILABLE FROM THE MANAGED CARE PATIENT ASSISTANCE PROGRAM.

Referred to **Commerce Committee**.

By Senators Clodfelter; Gulley and Reeves:

S.B. 574, A BILL TO BE ENTITLED AN ACT TO CREATE A STATE EARNED INCOME TAX CREDIT.

Referred to **Finance Committee**.

By Senator Clodfelter:

S.B. 575, A BILL TO BE ENTITLED AN ACT TO INCREASE AND ADJUST FEES IN THE GENERAL COURT OF JUSTICE.

Referred to **Finance Committee**.

By Senators Clodfelter and Hartsell:

S.B. 576, A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY IN GOVERNMENT BY ALLOWING A SALES AND USE TAX EXEMPTION

FOR LOCAL SCHOOL BOARDS INSTEAD OF A SALES AND USE TAX REFUND TO LOCAL SCHOOL BOARDS.

Referred to **Finance Committee**.

By Senator Clodfelter:

S.B. 577, A BILL TO BE ENTITLED AN ACT TO PERMIT THE MORE EFFICIENT USE OF ALL COURT PERSONNEL RESOURCES THROUGH CONCURRENT AND REVISED JURISDICTION AND PROCEDURES BY PROVIDING ADDITIONAL AUTHORITY FOR MAGISTRATES AND CLERKS UPON THE AGREEMENT OF THE CHIEF DISTRICT COURT JUDGE AND CLERK OF SUPERIOR COURT, BY AUTHORIZING MAGISTRATES TO DETERMINE INDIGENCY AND ENTITLEMENT TO COUNSEL IN CASES CALENDARERED BEFORE THEM, BY AUTHORIZING DISTRICT COURT JUDGES TO ACCEPT GUILTY PLEAS FOR CERTAIN CLASSES OF FELONY, BY PROVIDING FOR CONCURRENT JURISDICTION FOR DISTRICT AND SUPERIOR COURT JUDGES IN INFRACTIONS AND MISDEMEANOR CASES, BY RAISING THE JURISDICTIONAL AMOUNT FOR SMALL CLAIMS, BY AUTHORIZING THE USE OF EXPEDITED CHILD SUPPORT PROCESS UPON THE AGREEMENT OF THE CHIEF DISTRICT COURT JUDGE AND CLERK OF SUPERIOR COURT, AND BY CONFORMING CERTAIN PROCEDURAL REQUIREMENTS IN ACTIONS FOR ABSOLUTE DIVORCE TO THE REQUIREMENTS IN OTHER CIVIL CASES, AS RECOMMENDED BY THE STATE JUDICIAL COUNCIL.

Referred to **Judiciary I Committee**.

By Senator Shaw:

S.B. 578, A BILL TO BE ENTITLED AN ACT TO PROMOTE DOWNTOWN REVITALIZATION IN MIDSIZE CITIES AND TOWNS BY LEVERAGING THE FEDERAL REHABILITATION TAX CREDIT WITH A CORRESPONDING STATE CREDIT FOR BUILDINGS PLACED IN SERVICE BEFORE 1936.

Referred to **Finance Committee**.

By Senator Shaw:

S.B. 579, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Shaw:

S.B. 580, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Shaw:

S.B. 581, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Purcell:

S.B. 582, A BILL TO BE ENTITLED AN ACT TO ENACT THE HEALTHY

KIDS IN SCHOOLS ACT.

Referred to **Health and Human Resources Committee**.

By Senators Purcell; Dorsett, Gulley, Kinnaird and Malone:

S.B. 583, A BILL TO BE ENTITLED AN ACT TO PROMOTE A HEALTHY TEACHING AND LEARNING ENVIRONMENT BY PROVIDING FOR PUBLIC SCHOOLS TO BE TOBACCO-FREE.

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

By Senators Rand; Clodfelter, Dalton, Dannelly, Dorsett, Garrou, Hagan, Holloman, Kerr, Kinnaird, Malone, Metcalf, Purcell, Queen and Reeves:

S.B. 584, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOR GUBERNATORIAL APPOINTMENT OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE COURT OF APPEALS SUBJECT TO CONFIRMATION BY THE GENERAL ASSEMBLY AND TO PROVIDE FOR RETENTION BY VOTE OF THE PEOPLE.

Referred to **Judiciary I Committee**.

By Senators Metcalf; and Stevens:

S.B. 585, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE WORLD TRADE CENTER NORTH CAROLINA TO SUPPORT INTERNATIONAL TRADE EDUCATION PROGRAMS FOR SMALL AND MEDIUM-SIZED BUSINESSES IN THE STATE.

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

By Senators Metcalf, Lucas and Garwood:

S.B. 586, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE NURSING FACULTY FELLOWS PROGRAM AND APPROPRIATING FUNDS FOR SCHOLARSHIP LOANS UNDER THE PROGRAM.

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

By Senator Holloman:

S.B. 587, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR LOCAL CORE AND ESSENTIAL PUBLIC HEALTH SERVICES, INCLUDING A DEMONSTRATION PROJECT IN PREDOMINANTLY TIER ONE COUNTIES.

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

By Senator Holloman:

S.B. 588, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA COALITION OF FARM AND RURAL FAMILIES.

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

By Senators Kinnaird; Dorsett, Gulley, Holloman, Lucas and Malone:

S.B. 589, A BILL TO BE ENTITLED AN ACT AMENDING THE WAGE AND HOUR ACT TO RAISE THE STATE MINIMUM WAGE TO A LIVABLE WAGE.

Referred to **Commerce Committee**.

By Senator Kinnaird:

S.B. 590, A BILL TO BE ENTITLED AN ACT TO PLACE A MORATORIUM ON THE AUTHORITY OF LOCAL BOARDS OF EDUCATION TO ENTER INTO CONTRACTS FOR THE SALE OF SOFT DRINKS TO STUDENTS IN PUBLIC SCHOOLS, AND TO APPOINT AN INDEPENDENT STUDY COMMISSION TO STUDY THE PUBLIC HEALTH ISSUES AND MAKE RECOMMENDATIONS REGARDING WHETHER CERTAIN FOODS, INCLUDING SOFT DRINKS, SHOULD BE MADE AVAILABLE TO STUDENTS IN PUBLIC SCHOOLS.

Referred to **Commerce Committee** and upon a favorable report, re-referred to the **Rules and Operations of the Senate Committee**.

By Senator Jenkins:

S.B. 591, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE THE ADMINISTRATIVE RULE RECLASSIFICATION BY THE ENVIRONMENTAL MANAGEMENT COMMISSION OF PORTIONS OF SWIFT CREEK AND SANDY CREEK IN THE TAR-PAMLICO RIVER BASIN THAT WOULD HAVE THE EFFECT OF IMPOSING CERTAIN MANAGEMENT STRATEGIES APPLICABLE TO OUTSTANDING RESOURCE WATERS (ORW) IN THE WATERSHED OF THESE CREEKS.

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

By Senator Jenkins:

S.B. 592, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA STATE BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS TO ACQUIRE REAL PROPERTY, TO PURCHASE EQUIPMENT AND LIABILITY INSURANCE, AND TO INCREASE THE CIVIL PENALTY FROM TWO THOUSAND DOLLARS TO FIVE THOUSAND DOLLARS FOR VIOLATIONS OF THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT AND CLARIFYING THE REINSTATEMENT REQUIREMENTS UNDER THE ACT.

Referred to **Finance Committee**.

By Senators Albertson; Allran, Apodaca, Bingham, Blake, Brock, Carrington, Clodfelter, Dalton, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Horton, Jenkins, Kinnaird, Lucas, Malone, Moore, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein:

S.B. 593, A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIA ON CONSTRUCTION OR EXPANSION OF SWINE FARMS.

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

By Senator Foxx:

S.B. 594, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A NEW NATIONAL GUARD READINESS CENTER IN CALDWELL COUNTY.

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

By Senators Berger; Allran, Apodaca, Carrington, Foxx, Shubert and Stevens:

S.B. 595, A BILL TO BE ENTITLED AN ACT TO PROVIDE EFFECTIVE

CONSCIENCE PROTECTION IN THE INSURANCE LAW PERTAINING TO COVERAGE FOR PRESCRIPTION CONTRACEPTIVE DRUGS OR DEVICES AND FOR OUTPATIENT CONTRACEPTIVE SERVICES.

Referred to **Commerce Committee**.

By Senators Kinnaird; Bingham, Carpenter, Carrington, Dorsett, Forrester, Foss, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Lucas, Malone, Metcalf, Moore, Queen, Reeves, Shaw, Stevens and Weinstein:

S.B. 596, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FUNDING FOR THE STATEWIDE SPAY AND NEUTER PROGRAM FROM THE SALE OF RABIES VACCINATION TAGS.

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

By Senator Carpenter:

S.B. 597, A BILL TO BE ENTITLED AN ACT TO ESTABLISH LICENSURE REQUIREMENTS FOR CERTAIN MOTOR VEHICLE REPAIR SHOPS.

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

By Senator Carpenter:

S.B. 598, A BILL TO BE ENTITLED AN ACT TO LICENSE THOSE PERSONS WHO REPLACE MOTOR VEHICLE WINDSHIELDS.

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

By Senators Lucas; Dannelly, Dorsett, Holloman, Kinnaird and Malone:

S.B. 599, A BILL TO BE ENTITLED AN ACT TO CONTINUE TO APPROPRIATE FUNDS TO THE STATE BOARD OF EDUCATION FOR THE WORK OF THE CONSORTIUM OF THE HISTORICALLY MINORITY COLLEGE AND UNIVERSITY INITIATIVE TO DETERMINE THE BEST METHODS FOR CLOSING THE ACHIEVEMENT GAP AMONG CHILDREN OF VARIOUS DEMOGRAPHIC GROUPS WHO ARE PERFORMING BELOW GRADE LEVEL AND TO DISSEMINATE AND REPLICATE THESE METHODS ACROSS THE STATE OF NORTH CAROLINA.

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

By Senators Lucas; Dannelly, Dorsett, Holloman, Kinnaird and Malone:

S.B. 600, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ISSUE RULES REQUIRING FIRE SUPPRESSION EQUIPMENT IN ALL SCHOOL BUSES.

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

By Senators Lucas; Albertson, Dannelly, Dorsett, Holloman, Kinnaird and Malone:

S.B. 601, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE FINANCIAL, MARKETING, AND TECHNICAL ASSISTANCE TO LIMITED-RESOURCE FARMERS AND RURAL FAMILIES.

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

By Senator Purcell:

S.B. 602, A BILL TO BE ENTITLED AN ACT TO REQUIRE PHYSICIANS WHO DISPENSE THE CONTROLLED SUBSTANCE BUPRENORPHINE FOR THE TREATMENT OF OPIATE DEPENDENCE TO REGISTER WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

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

By Senator Purcell:

S.B. 603, A BILL TO BE ENTITLED AN ACT TO CONFORM NORTH CAROLINA'S THIRD PARTY ADMINISTRATOR ARTICLE TO REVISIONS TO THE NAIC MODEL THIRD PARTY ADMINISTRATOR STATUTE; REQUIRE GROUP ANNUITY INSURERS TO ISSUE INDIVIDUAL CERTIFICATES OF COVERAGE TO EACH ANNUITANT; REORGANIZE ARTICLE 60 OF CHAPTER 58 OF THE GENERAL STATUTES AND AMEND CURRENT DISCLOSURE REQUIREMENTS FOR SOLICITATION OF LIFE INSURANCE PRODUCTS AND ANNUITIES; REQUIRE INSURERS TO NOTIFY EMPLOYEES OF THE EXISTENCE OF EMPLOYER-OWNED LIFE INSURANCE POLICIES WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF COVERAGE; REQUIRE THAT ASSOCIATION PREMIUM RATES FOR ACCIDENT AND HEALTH INSURANCE BE ACTUARIALLY SOUND AND THAT ASSOCIATIONS BE RATED AS A SINGLE GROUP WHEN THE COVERAGE PROVIDED IS NOT EMPLOYER-BASED; LIMIT AN INDIVIDUAL ACCIDENT AND HEALTH INSURER'S USE OF AN INDIVIDUAL'S OWN CLAIMS' EXPERIENCE TO DEVELOP THE INDIVIDUAL'S RENEWAL RATE; EXEMPT A SOLE PROPRIETOR FROM THE FULL-TIME BASIS OR THIRTY-HOUR WORKWEEK REQUIREMENTS TO BE ELIGIBLE FOR LARGE GROUP HEALTH COVERAGE LIKE THE PROPRIETOR'S FULL-TIME EMPLOYEES; CORRECT AN INADVERTENT CROSS-REFERENCE IN ORDER TO REAPPLY NEWBORN COVERAGE TO A MORE COMPREHENSIVE GROUP OF INSURERS; TECHNICALLY CORRECT AN OMISSION REGARDING PROVISIONS GOVERNING PREEXISTING CONDITIONS FOR LIMITED HEALTH, SUPPLEMENTAL HEALTH, AND SPECIFIED DISEASE POLICIES; REQUIRE A GROUP HEALTH INSURER FOR AN EMPLOYER TO PROVIDE, UPON THE GROUP POLICYHOLDERS' REQUEST, THE GROUP'S EXPERIENCE INFORMATION; ALLOW PERSONS RETROACTIVELY ENROLLED IN MEDICARE PART B THE SAME SIX-MONTH OPEN ENROLLMENT PERIOD FOR MEDICARE SUPPLEMENT PLANS AS PERSONS WHO ENROLLED IN MEDICARE PART B WITHOUT A RETROACTIVE EFFECTIVE DATE OF COVERAGE; TECHNICALLY CORRECT THE REVOCATION AND SUSPENSION LAW TO INCLUDE A BENEFICIARY OF A LIFE OR ANNUITY CONTRACT AS A CLAIMANT; MANDATE HEALTH BENEFIT COVERAGE FOR DESIGNATED TRAVEL EXPENSES WHEN THE REQUIRED DISTANCE TRAVELED THRESHOLD IS MET; AND MAKE TECHNICAL CORRECTIONS TO THE CREDIT INSURANCE LAWS.

Referred to **Commerce Committee**.

March 31, 2003

By Senator Purcell:

S.B. 604, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REESTABLISH THE RURAL OBSTETRICAL CARE INCENTIVE FUND.

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

By Senators Rand; and Gulley:

S.B. 605, A BILL TO BE ENTITLED AN ACT RELATING TO THE OCCUPATIONAL SAFETY OF WORK IN MANHOLES.

Referred to **Judiciary I Committee**.

By Senators Rand; and Gulley:

S.B. 606, A BILL TO BE ENTITLED AN ACT TO FACILITATE NATIONAL CRIMINAL HISTORY RECORD CHECKS FOR CERTAIN APPLICANTS FOR EMPLOYMENT.

Referred to **Judiciary I Committee**.

By Senator Purcell:

S.B. 607, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROMPT PAY LAW TO CLARIFY THAT A "CLAIMANT" UNDER THE LAW INCLUDES "AN INSURED"; THAT THIRTY DAYS REFERENCES ARE TO THIRTY "CALENDAR" DAYS; THAT THE NINETY-DAY DEADLINE FOR RESPONDING TO ADDITIONAL INFORMATION REQUESTS FROM AN INSURER ONLY APPLIES TO CLAIMS NOT ALREADY DENIED; TO REQUIRE, UNDER THE PROMPT PAY LAWS, A STATUS REPORT WHEN CLAIMS ARE NOT PAID OR DENIED WITHIN SIXTY DAYS EVEN WHEN THE INSURER IS AWAITING INFORMATION REQUESTED FROM THE CLAIMANT; TO REMOVE FROM THE UNIFORM CREDENTIALING STATUTE AN UNNECESSARY PROVISION; AND TO AMEND UTILIZATION REVIEW LAWS TO CLARIFY THAT A SECOND-LEVEL GRIEVANCE REVIEW PANEL MAY CONSIST OF ONE OR MORE PERSONS.

Referred to **Commerce Committee**.

By Senator Rand:

S.J.R. 608, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF TIM MCLAURIN.

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

By Senator Rand:

S.B. 609, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR IMPROPER UCC FINANCING STATEMENTS.

Referred to **Judiciary I Committee**.

By Senator Rand:

S.B. 610, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR TAX COLLECTION AT GUN SHOWS.

Referred to **Finance Committee**.

By Senators Rand; Albertson, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Foxx, Garrou,

Gulley, Hagan, Hargett, Hartsell, Holloman, Jenkins, Kinnaird, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Reeves, Shaw, Shubert, Sloan, Smith, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein:

S.B. 611, A BILL TO BE ENTITLED AN ACT TO PROVIDE ASSISTANCE TO MEMBERS OF THE ARMED SERVICES.

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

By Senator Weinstein:

S.B. 612, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE POW/MIA SPECIAL REGISTRATION PLATES.

Referred to **Finance Committee**.

By Senator Hartsell:

S.B. 613, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND RELATED SUBSTANTIVE CHANGES TO THE CONTINUING CARE RETIREMENT (CCR) LAWS TO ELIMINATE THE UNNECESSARY PROVISION ALLOWING FOR ACCREDITED BUT UNLICENSED PROVIDERS OF CCR SERVICES; CHANGE REFERENCES FROM "FACILITY" TO "PROVIDER" WHERE APPROPRIATE TO ACCOMMODATE THE SITUATION WHERE AN ENTITY OPERATES MORE THAN ONE FACILITY; CHANGE "FORECAST" TO "FORECASTED" WHERE FOUND; CHANGE THE OPERATING RESERVES STATUTE BY REWORDING SOME PROVISIONS TECHNICALLY; CHANGE REFERENCES TO "REGISTRATION" OF A FACILITY TO "LICENSURE"; MAKE GENDER NEUTRAL CHANGES TO THE CCR LAWS; CLARIFY THAT A PROVIDER MUST HOLD SEMI-ANNUAL MEETINGS WITH THE RESIDENTS OF EACH FACILITY OPERATED BY THE PROVIDER; AND MAKE OTHER TECHNICAL AND CONFORMING CHANGES TO ARTICLE 64.

Referred to **Commerce Committee**.

By Senator Hartsell:

S.B. 614, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE INSURANCE LAWS.

Referred to **Commerce Committee**.

By Senators Dannelly; Clodfelter, Dorsett, Holloman, Lucas, Malone, Metcalf, Moore, Purcell and Queen:

S.B. 615, 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 **Finance Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Lucas; Dannelly, Dorsett, Holloman, Kinnaird and Malone:

S.B. 616, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A DELTA SIGMA THETA

SORORITY SPECIAL REGISTRATION PLATE.

Referred to **Finance Committee**.

By Senators Lucas; Dannelly, Dorsett, Holloman, Kinnaird and Malone:

S.B. 617, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW THAT AUTHORIZES THE INVOLUNTARY STERILIZATION OF PERSONS WHO ARE MENTALLY ILL OR MENTALLY RETARDED, TO PERMIT THE STERILIZATION OF MENTALLY ILL OR MENTALLY RETARDED WARDS ONLY WHEN THERE IS A MEDICAL NECESSITY, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

Referred to **Health and Human Resources Committee**.

By Senators Lucas; Dannelly, Dorsett, Holloman, Kinnaird and Malone:

S.B. 618, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT HEALTH EDUCATION COURSES OFFERED IN PUBLIC SCHOOLS PROVIDE MEDICALLY AND FACTUALLY ACCURATE INFORMATION.

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

By Senators Apodaca; Ballantine, Bingham, Carpenter, Forrester, Foxx, Metcalf, Pittenger, Rand, Rucho, Shubert, Sloan, Smith, Tillman and Weinstein:

S.B. 619, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A BLOOD ANALYSIS REPORT SENT DIRECTLY TO THE CLERK OF SUPERIOR COURT MAY BE USED AS THE BASIS FOR THE CIVIL REVOCATION OF A DRIVERS LICENSE.

Referred to **Judiciary II Committee**.

By Senators Dalton; Clodfelter, Garrou, Gulley, Hartsell, Lucas, Metcalf, Reeves, Shubert and Weinstein:

S.B. 620, A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL PURCHASING FLEXIBILITY.

Referred to **Commerce Committee**.

By Senators Dalton; Garrou, Gulley and Reeves:

S.B. 621, A BILL TO BE ENTITLED AN ACT TO AMEND THE EDUCATION LAWS OF THE STATE TO PROVIDE QUALITY TEACHERS FOR QUALITY EDUCATION.

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

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 7:33 P.M.

THIRTY-SIXTH DAY

Senate Chamber
Tuesday, April 1, 2003

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:

"Even on April 1, O God, a day when we use in jest and good nature the term 'fool,' there's not one of us who likes to be made a fool.

"But Holy Scripture says this, 'If anyone of you supposes that she or he is wise in this world's wisdom, as compared with the rest of us ... to really become wise that person must become like a fool. For this world's wisdom is mere nonsense to God.'*

"So help us to pursue knowledge, but not at the expense of our relationship with You. Your way of thinking and evaluating is far more valuable. Being fools for Your sake is a very high calling. Amen."

*I Corinthians 3:18-19A

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, March 31, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Stephen V. Chiavetta from Wilmington, North Carolina, who is serving the Senate as Doctor 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. 307, AN ACT TO EXTEND THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE. (Became law upon approval of the Governor, March 31, 2003–S.L. 2003-6.)

H.B. 135, AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS. (Became law upon ratification, March 31, 2003–S.L. 2003-7.)

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 Hartsell for the **Judiciary II Committee**:

S.B. 251 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE PRACTICE OF THE "REBIRTHING" TECHNIQUE, with a favorable report.

By Senator Soles for the **Commerce Committee**:

S.B. 355, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WAKE FOREST TO USE TOWN LABOR FOR PHASED CONSTRUCTION OF ELECTRICAL DISTRIBUTION FEEDER CIRCUITS AND FOR CONSTRUCTION OF AN ELECTRIC SUBSTATION WITHOUT REGARD TO THE DOLLAR VALUE OF THE LABOR, with a favorable report.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 401 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF HENDERSON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 501, A BILL TO BE ENTITLED AN ACT REDRAWING THE ELECTION DISTRICT BOUNDARIES FOR THE TOWN OF ENFIELD IN HALIFAX COUNTY.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

WITHDRAWAL FROM COMMITTEE

H.B. 237 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES TO SUPPORT NURSING SCHOLARSHIPS IN NORTH CAROLINA, referred to the **Finance Committee** on March 31.

Pursuant to Rule 47(a), Senator Rand offers a motion that the 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 Committee Substitute bill be withdrawn from the **Finance Committee** and places it on today's Calendar.

CALENDAR

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

S.B. 122 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE CITIES OF GASTONIA AND LOCUST AND THE TOWNS OF PINE LEVEL AND RANLO, 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, April 2, upon third reading.

S.B. 330 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF RALEIGH AND THE TOWNS OF APEX AND HOLLY SPRINGS TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND AUTHORIZING THE CITY OF RALEIGH TO ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE DEVELOPMENT PROCESS.

Senator Reeves offers Amendment No. 1 which is adopted (50-0), and changes the title to read **S.B. 330** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF RALEIGH AND THE TOWN OF HOLLY SPRINGS TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND AUTHORIZING THE CITY OF RALEIGH TO ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE DEVELOPMENT PROCESS.

The Committee Substitute bill, as amended, passes its second reading (50-0).

Senator Dalton offers Amendment No. 2 which is adopted (50-0), and changes the title to read **S.B. 330** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF RALEIGH AND THE TOWNS OF HOLLY SPRINGS AND RUTHERFORDTON TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND AUTHORIZING THE CITY OF RALEIGH AND THE TOWN OF RUTHERFORDTON TO ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE DEVELOPMENT PROCESS.

The Committee Substitute bill, as amended, passes its third reading (50-0) and is ordered engrossed and sent to the House of Representatives.

S.B. 389 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REENACTING THE SUBSTANTIVE PROVISIONS OF S.L. 2000-65 RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL AND CONVEY REAL ESTATE.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

H.B. 237 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES TO SUPPORT NURSING SCHOLARSHIPS IN NORTH CAROLINA, placed earlier on today's Calendar.

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The Chair rules that the Committee Substitute bill does not require a call of the roll.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 295 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES FOR NURSES, PARAMEDICS, THE NORTH CAROLINA COASTAL FEDERATION, AND THE ALPHA KAPPA ALPHA SORORITY.

Upon motion of Senator Thomas, the President orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 353, A BILL TO BE ENTITLED AN ACT TO REQUIRE SOLICITORS OF CHARITABLE SOLICITATIONS THAT REQUEST CONTRIBUTIONS BY TELEPHONE TO, WHEN REQUESTED BY THE PERSON BEING SOLICITED ON THE TELEPHONE, CLEARLY DISCLOSE TO THAT PERSON AT THE TIME OF THE REQUEST THE FIXED PERCENTAGE OF THE GROSS REVENUES THAT THE CHARITABLE ORGANIZATION OR SPONSOR WILL RECEIVE AS A BENEFIT FROM THE SOLICITATION CAMPAIGN AND SEND THAT PERSON A COPY OF THE SOLICITOR'S MOST RECENT FINANCIAL REPORT, TO REQUIRE THIS PERCENTAGE TO BE INCLUDED IN THE SOLICITOR'S FINANCIAL REPORT, AND TO PROHIBIT A PERSON FROM MISREPRESENTING THIS REQUESTED INFORMATION.

Senator Bingham offers Amendment No. 1 which is adopted (50-0).

Senator Hartsell offers Amendment No. 2 which is adopted (49-1).

The bill, as amended, passes its second (49-1) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 384 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN LOOP AND INTRASTATE IMPROVEMENT PROJECTS.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 295 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES FOR NURSES, PARAMEDICS, THE NORTH CAROLINA COASTAL FEDERATION, AND THE ALPHA KAPPA ALPHA SORORITY, temporarily displaced earlier.

Senator Thomas offers Amendment No. 1 which is adopted (50-0), and changes the title to read **S.B. 295** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES FOR PARAMEDICS, THE NORTH CAROLINA COASTAL FEDERATION, AND THE ALPHA KAPPA ALPHA SORORITY.

The Committee Substitute bill, as amended, passes its second (50-0) and third readings and is ordered engrossed and sent to the House of Representatives.

SENATE PAGES

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

Matthew A. Brown, Raleigh; Grayson Leonard Cave, Cary; Steven Davis, High Point; Derek Hodge, II, Wendell; Kathryn E. Jetton, Apex; Erin Potter, Raleigh; Lynton Yates Ray, Jr., Clayton; Meredith Sullivan, Wilson; Jeremy L. Summers, Clemmons; Matthew Tyndall, Hope Mills; Francis X. Wazeter, IV, Apex; and Jennifer Wright, Clemmons.

Upon motion of Senator Basnight, seconded by Senator Rucho, the Senate adjourns subject to introduction of bills, to meet tomorrow, April 2, at 3:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Reeves:

S.B. 622, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE USE OF ELECTRONIC SIGNATURES BY PUBLIC AGENCIES.

Referred to **Judiciary I Committee**.

By Senator Reeves:

S.B. 623, A BILL TO BE ENTITLED AN ACT RELATING TO ANTI-HACKER ATTACK ANALYSIS.

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

By Senator Reeves:

S.B. 624, A BILL TO BE ENTITLED AN ACT TO MODIFY THE ENFORCEMENT OF LOCAL SANITATION AND ON-SITE WASTEWATER PROGRAMS BY AUTHORIZING LOCAL ENVIRONMENTAL HEALTH SPECIALISTS TO AUTHORIZE LOCAL ENVIRONMENTAL HEALTH SPECIALISTS TO ENFORCE PROGRAM RULES AND TO ELIMINATE UNNECESSARY REAUTHORIZATION OR RETRAINING OF CERTAIN ENVIRONMENTAL HEALTH EMPLOYEES WITH LOCAL HEALTH DEPARTMENTS OR WITH THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.

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

By Senator Reeves:

S.B. 625, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE CONTROLLED SUBSTANCE ACCOUNTABILITY ACT.

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

By Senator Albertson:

S.B. 626, A BILL TO BE ENTITLED AN ACT TO EXPAND THE ENFORCEMENT AUTHORITY OF MARINE PATROL INSPECTORS TO INCLUDE CRIMINAL OFFENSES COMMITTED IN THE PRESENCE OF AN

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INSPECTOR AND WHEN AN INSPECTOR IS ASKED TO TEMPORARILY ASSIST A STATE OR LOCAL GOVERNMENT LAW ENFORCEMENT AGENCY.

Referred to **Judiciary I Committee**.

By Senator Albertson:

S.B. 627, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE BY WHICH COASTAL HABITAT PROTECTION PLANS MUST BE ADOPTED.

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

By Senator Albertson:

S.B. 628, A BILL TO BE ENTITLED AN ACT TO ALLOW MARINE FISHERIES INSPECTORS TO ACCEPT DELEGATION OF LAW ENFORCEMENT POWERS FROM THE NATIONAL MARINE FISHERIES SERVICE.

Referred to **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 629, A BILL TO BE ENTITLED AN ACT RELATING TO THE STATE'S BANKING LAWS.

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

By Senator Clodfelter:

S.B. 630, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF A PROTECTIVE ORDER UNDER THE LAWS RELATING TO DOMESTIC VIOLENCE.

Referred to **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 631, A BILL TO BE ENTITLED AN ACT TO MAKE STATEWIDE AN ACT CURRENTLY APPLICABLE TO CHARLOTTE AND RALEIGH THAT DEEMS THE CREATION OF A SELF-FUNDED RISK PROGRAM AS THE PURCHASE OF INSURANCE FOR THE PURPOSE OF WAIVING GOVERNMENTAL IMMUNITY.

Referred to **Commerce Committee**.

By Senator Clodfelter:

S.B. 632, 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 WITHIN THE PURVIEW OF THE WORKERS' COMPENSATION ACT.

Referred to **Commerce Committee**.

By Senator Clodfelter:

S.B. 633, A BILL TO BE ENTITLED AN ACT TO REVISE THE UNIVERSITY OF NORTH CAROLINA SPECIAL OBLIGATION BOND LAW.

Referred to **Finance Committee**.

By Senators Forrester; Allran, Foxx, Pittenger, Shubert and Sloan:

S.J.R. 634, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE INCIDENCE OF MEDICAL ERRORS IN HEALTH CARE SETTINGS, THE IMPACT MEDICAL ERRORS HAVE ON PATIENT SAFETY, AND THE BENEFITS OF MANDATORY REPORTING OF MEDICAL ERRORS.

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

By Senators Forrester; Allran, Bingham, Pittenger, Shubert and Sloan:

S.B. 635, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DIVISION OF MOTOR VEHICLES TO PLACE ANNOTATIONS OF MEDICAL SPECIALTIES ON DRIVERS LICENSES.

Referred to **Transportation Committee**.

By Senators Forrester; Allran, Bingham, Foxx, Pittenger, Sloan and Stevens:

S.J.R. 636, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY WAYS OF HELPING TO EDUCATE THE PUBLIC ON THE RISKS OF OVARIAN CANCER AND THE BENEFITS AND COSTS OF PREVENTION.

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

By Senators Brock; Foxx, Horton, Pittenger, Shubert and Sloan:

S.B. 637, A BILL TO BE ENTITLED AN ACT TO RESTORE THE PRE-1959 ANNEXATION LAW BY REQUIRING A REFERENDUM ON ANNEXATION ON PETITION OF THE RESIDENTS BEING ANNEXED, AND TO ALLOW THE CITY TO PROVIDE FOR A REFERENDUM ON ANNEXATION.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senators Brock; Forrester, Horton, Pittenger, Shubert and Sloan:

S.B. 638, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE PROVISION OF CERTAIN HEALTH SERVICES BY LOCAL SCHOOL ADMINISTRATIVE UNITS AND TO REQUIRE UNITS TO OBTAIN PERMISSION FROM PARENTS FOR CERTAIN SERVICES.

Referred to **Health and Human Resources Committee**.

By Senators Brock; Blake, Carpenter, Pittenger, Shubert, Sloan and Tillman:

S.B. 639, A BILL TO BE ENTITLED AN ACT TO MAKE TEXTBOOK SELECTION A LOCAL DECISION.

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

By Senators Brock; Carpenter, Pittenger, Shubert, Sloan and Tillman:

S.B. 640, A BILL TO BE ENTITLED AN ACT TO PROTECT THE PRIVACY OF STUDENTS AND THEIR FAMILIES.

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

By Senators Brock; Blake, Carpenter, Forrester, Pittenger, Shubert, Sloan and Tillman:

S.B. 641, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOR ELECTION OF DISTRICT REPRESENTATIVES TO THE STATE BOARD OF EDUCATION.

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

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By Senators Brock; Carpenter, Foxx, Pittenger, Shubert and Sloan:

S.B. 642, A BILL TO BE ENTITLED AN ACT TO REVERT LAPSED SALARIES TO THE GENERAL FUND FOR THE RAINY DAY FUND AND TO ENCOURAGE ACCURACY IN BUDGETING BY CORRECTLY FUNDING SALARIES AND SALARY-RELATED EXPENDITURES FOR STATE EMPLOYEES AND TEACHERS.

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

By Senator Brock:

S.B. 643, A BILL TO BE ENTITLED AN ACT TO DOUBLE THE PENALTIES FOR MOTOR VEHICLE OFFENDERS.

Referred to **Finance Committee**.

By Senators Brock and Shubert:

S.B. 644, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA SHALL NOT OFFER REMEDIAL EDUCATION PROGRAMS.

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

By Senators Brock; Allran, Carpenter, Foxx, Pittenger, Rucho and Shubert:

S.B. 645, A BILL TO BE ENTITLED AN ACT TO PERMIT A LOCAL BOARD OF EDUCATION TO APPLY FOR CHARTER STATUS FOR ONE OR MORE OF ITS PUBLIC SCHOOLS AND TO PERMIT PRIVATE COLLEGES TO SERVE AS CHARTERING ENTITIES FOR CHARTER SCHOOLS.

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

By Senator Gulley:

S.B. 646, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Gulley:

S.B. 647, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CITIES AND COUNTIES TO, BY RESOLUTION, CREATE A SELF-FUNDED RISK PROGRAM AND THEREBY WAIVE GOVERNMENTAL IMMUNITY FROM CIVIL LIABILITY IN TORT TO THE EXTENT THAT FUNDS ARE AVAILABLE IN THE FUNDED RESERVE FOR THE PAYMENT OF CLAIMS.

Referred to **Judiciary I Committee**.

By Senators Foxx; Apodaca, Blake, Brock, Carpenter, Dorsett, Forrester, Garrou, Hagan, Hoyle, Kerr, Kinnaird, Lucas, Pittenger, Purcell, Reeves, Shubert and Tillman:

S.B. 648, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN AD HOC CERVICAL CANCER ELIMINATION TASK FORCE TO THE ADVISORY COMMITTEE ON CANCER COORDINATION AND CONTROL.

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

By Senators Horton; Apodaca, Bingham, Brock, Carpenter, Forrester, Garwood,

Shubert, Sloan and Stevens:

S.B. 649, A BILL TO BE ENTITLED AN ACT TO LOWER FROM TWO PERCENT TO ONE-HALF OF ONE PERCENT THE PERCENTAGE OF GUBERNATORIAL VOTERS A NEW PARTY MUST COLLECT IN SIGNATURES IN ORDER TO ACHIEVE BALLOT ELIGIBILITY.

Referred to **Judiciary I Committee**.

By Senators Horton and Kinnaird:

S.B. 650, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO ESTABLISH AN INDEPENDENT REDISTRICTING COMMISSION.

Referred to **Judiciary I Committee**.

By Senators Horton and Kinnaird:

S.B. 651, A BILL TO BE ENTITLED AN ACT TO ESTABLISH BY STATUTE AN INDEPENDENT REDISTRICTING COMMISSION TO RECOMMEND TO THE GENERAL ASSEMBLY PLANS FOR LEGISLATIVE AND CONGRESSIONAL REDISTRICTING.

Referred to **Judiciary I Committee**.

By Senator Metcalf:

S.B. 652, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN AIRPORT AUTHORITIES TO ENTER INTO INSTALLMENT CONTRACTS.

Referred to **Finance Committee**.

By Senator Metcalf:

S.B. 653, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE DIVESTITURE OF REAL AND PERSONAL PROPERTY OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES AREA PROGRAMS PURSUANT TO MENTAL HEALTH REFORM EFFORTS.

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

By Senator Metcalf:

S.B. 654, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONFIDENTIALITY PROVISIONS OF CHAPTER 122C OF THE GENERAL STATUTES TO PERMIT IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM.

Referred to **Health and Human Resources Committee**.

By Senator Metcalf:

S.B. 655, A BILL TO BE ENTITLED AN ACT MAKING CLARIFYING CHANGES TO THE DEFINITION OF LOCKSMITH SERVICES UNDER THE LOCKSMITH LICENSING ACT, AMENDING THE POWERS OF THE NORTH CAROLINA LOCKSMITH LICENSING BOARD TO ALLOW THE BOARD TO EMPLOY AN ATTORNEY AND ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS UPON THE BOARD'S REQUEST, AUTHORIZING THE BOARD TO REQUIRE CRIMINAL HISTORY RECORD CHECKS OF PERSONS APPLYING TO PRACTICE LOCKSMITHING

IN THIS STATE, AMENDING THE LOCKSMITH LICENSING ACT TO ALLOW THE BOARD TO REGULATE APPRENTICE LOCKSMITHS AND COLLECT FEES, CLARIFYING THE EXEMPTION FOR TOWING SERVICES UNDER THE ACT, AND ALLOWING THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE OR APPRENTICE DESIGNATION UPON THE REQUEST OF THE BOARD.

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

By Senators Dalton; Albertson, Bingham, Clodfelter, Dorsett, Forrester, Garrou, Garwood, Gulley, Hagan, Hargett, Holloman, Hoyle, Jenkins, Lucas, Metcalf, Purcell, Queen, Rand, Reeves, Swindell, Thomas and Weinstein:

S.B. 656, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE INNOVATIVE EDUCATION INITIATIVES ACT.

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

By Senator Forrester:

S.B. 657, A BILL TO BE ENTITLED AN ACT IMPOSING RESTRICTIONS ON THE USE AND OPERATION OF TANNING FACILITIES AND EQUIPMENT.

Referred to **Health and Human Resources Committee**.

By Senators Soles and Clodfelter:

S.B. 658, A BILL TO BE ENTITLED AN ACT TO RESOLVE CONFLICTING STATUTES; TO AMEND THE APPELLATE PROCEDURE BEFORE THE STATE BANKING COMMISSION; AND TO AUTHORIZE THE COMMISSIONER OF BANKS TO APPOINT A HEARING OFFICER.

Referred to **Commerce Committee**.

By Senators Bingham; and Carpenter:

S.B. 659, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF THE SECRETARY OF STATE TO INCLUDE IN ITS ANNUAL REPORT INFORMATION REGARDING SOLICITATIONS OF CHARITABLE CONTRIBUTIONS THAT INFORMS THE PUBLIC OF THE PERCENTAGES OF THE SOLICITORS' REVENUES THAT CHARITABLE ORGANIZATIONS OR SPONSORS WILL RECEIVE AS BENEFITS FROM SOLICITATION CAMPAIGNS AND TO PROVIDE FOR WIDER DISSEMINATION OF THE ANNUAL REPORT TO THE PUBLIC.

Referred to **Judiciary II Committee**.

By Senators Kerr, Rand; Gulley and Metcalf:

S.B. 660, A BILL TO BE ENTITLED AN ACT TO EQUALIZE THE GROSS PREMIUMS TAX RATES LEVIED AGAINST ARTICLE 65 CORPORATIONS, HEALTH MAINTENANCE ORGANIZATIONS, AND OTHER INSURERS.

Referred to **Finance Committee**.

By Senators Reeves; Clodfelter, Dalton, Garrou, Gulley, Hagan, Kinnaird, Lucas, Malone, Metcalf and Rand:

S.B. 661, A BILL TO BE ENTITLED AN ACT TO PROTECT HEALTH INFORMATION PRIVACY BY PROHIBITING USE OR DISCLOSURE OF PROTECTED HEALTH INFORMATION FOR PURPOSES OF MARKETING WITHOUT WRITTEN AUTHORIZATION OF THE INDIVIDUAL, AND BY LIMITING THE USE OR DISCLOSURE OF PROTECTED HEALTH INFORMATION WITHOUT INDIVIDUAL AUTHORIZATION FOR CERTAIN PUBLIC HEALTH-RELATED ACTIVITIES.

Referred to **Commerce Committee**.

By Senators Dorsett; Albertson, Clodfelter, Dalton, Dannelly, Garrou, Gulley, Hargett, Holloman, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Purcell, Rand, Thomas and Weinstein:

S.B. 662, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA HUMANITIES COUNCIL.

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

By Senator Ballantine:

S.B. 663, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN BOATS FROM PROPERTY TAX.

Referred to **Finance Committee**.

By Senator Ballantine:

S.B. 664, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROPERTY TAX EXEMPTION FOR LAND HELD FOR CONSTRUCTION OF RELIGIOUS FACILITIES.

Referred to **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:57 P.M.

THIRTY-SEVENTH DAY

Senate Chamber
Wednesday, April 2, 2003

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, on this very busy day in the Senate we are reminded that the people in this room have been blessed with much success in their lives - pages, staff, the gallery, and the Senators. We confess that sometimes when things have gone well we have left you out, crowded our days with work and forgotten that your grace makes our success possible.

"So next time we forget You or feel no need of You, help us to remember to seek Your face, Your friendship, allowing You to take Your rightful place ahead of us or

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beside us because in You is life, is success, and enduring peace. Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, April 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 Dr. Kaissar S. Ibrahim 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. 237, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES TO SUPPORT NURSING SCHOLARSHIPS IN NORTH CAROLINA.

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 Hartsell for the **Judiciary II Committee**:

S.B. 293, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING SALES REPRESENTATIVE COMMISSIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55154, is adopted and engrossed.

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

S.B. 93, 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, with a favorable report.

S.B. 539, A BILL TO BE ENTITLED AN ACT AMENDING THE LAW GOVERNING THE LIMITED PRACTICE OF OUT-OF-STATE ATTORNEYS-AT-LAW AND THE OPERATION OF THE COUNCIL AND DISCIPLINARY HEARING COMMISSION OF THE NORTH CAROLINA STATE BAR, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75192, is adopted and engrossed.

By Senator Metcalf for the **Education/Higher Education Committee**:

H.B. 340 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER, with a favorable report.

Upon motion of Senator Metcalf, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

S.B. 417, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR WAYNE COUNTY TO DESIGNATE STAGGERED TERMS FOR ITS BOARD OF COMMISSIONERS, with a favorable report.

S.B. 489, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR ALL FIVE MEMBERS OF THE BOARD OF COMMISSIONERS OF WILKES COUNTY, RATHER THAN THE CURRENT SYSTEM WHERE FOUR OF THE MEMBERS ARE ELECTED FOR STAGGERED FOUR-YEAR TERMS AND ONE FOR A TWO-YEAR TERM, with a favorable report.

S.B. 465, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF HIGH POINT TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING THOSE BUILDINGS PURSUANT TO G.S. 160A-432, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed, and changes the title to read **S.B. 465**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIES OF GOLDSBORO AND HIGH POINT TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING THOSE BUILDINGS PURSUANT TO G.S. 160A-432.

By Senator Purcell for the **Health and Human Resources Committee**:

S.B. 507, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO USE AVAILABLE MEDICAID FUNDS FOR THE ISSUANCE OF MEDICAID IDENTIFICATION CARDS AND TO IMPLEMENT OTHER COST SAVING MEASURES, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 36 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW THAT AUTHORIZES THE INVOLUNTARY STERILIZATION OF PERSONS WHO ARE MENTALLY ILL OR MENTALLY RETARDED, TO PERMIT THE STERILIZATION OF MENTALLY ILL OR

MENTALLY RETARDED WARDS ONLY WHEN THERE IS A MEDICAL NECESSITY, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES, with a favorable report.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 21 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND TO AUTHORIZE THE USE OF HIGHWAY TRUST FUND FUNDS TO MATCH FEDERAL-AID HIGHWAY FUNDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to **Transportation Committee**.

H.B. 22 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE THE PORTION OF CONTRACT MAINTENANCE RESURFACING FUNDS ALLOCATED TO WIDENING EXISTING NARROW PAVEMENTS SCHEDULED FOR RESURFACING TO WIDEN ANY EXISTING NARROW PAVEMENTS AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE HIGHWAY TRUST FUND SECONDARY ROAD PAVING FUNDS ALLOCATED TO EACH COUNTY FOR THE ADDITIONAL PURPOSE OF SAFETY IMPROVEMENTS ON PAVED AND UNPAVED ROADS IN THE SAME COUNTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to **Transportation Committee**.

H.B. 47 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING THE CAROLINA LILY AS THE OFFICIAL WILDFLOWER OF NORTH CAROLINA.

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

H.B. 295 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF BEECH MOUNTAIN TO REGULATE GOLF CARTS AND UTILITY VEHICLES.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 326, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF JONESVILLE.

Referred to **Finance Committee**.

H.B. 379 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE PURSUIT OF AN EDUCATION A CONDITION OF INTERMEDIATE PUNISHMENT, COMMUNITY PUNISHMENT, AND PROBATION.

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

H.B. 396 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE EDGECOMBE COUNTY SCHOOL SYSTEM.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 480, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR ALL FIVE MEMBERS OF THE BOARD OF COMMISSIONERS OF WILKES COUNTY, RATHER THAN THE CURRENT SYSTEM WHERE FOUR OF THE MEMBERS ARE ELECTED FOR STAGGERED FOUR-YEAR TERMS AND ONE FOR A TWO-YEAR TERM.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

CALENDAR

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

S.B. 122 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE CITIES OF GASTONIA AND LOCUST AND THE TOWNS OF PINE LEVEL AND RANLO, upon second reading.

Senator Rand offers Amendment No. 1 which is adopted (49-0), and changes the title to read **S.B. 122** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE CITIES OF GASTONIA AND LOCUST AND THE TOWNS OF BLADENBORO, PINE LEVEL, AND RANLO.

The amendment is ruled to be material which constitutes first reading.

The Committee Substitute bill, as amended, is placed on the Calendar for tomorrow, April 3, upon second reading.

S.B. 355, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WAKE FOREST TO USE TOWN LABOR FOR PHASED CONSTRUCTION OF ELECTRICAL DISTRIBUTION FEEDER CIRCUITS AND FOR CONSTRUCTION OF AN ELECTRIC SUBSTATION WITHOUT REGARD TO THE DOLLAR VALUE OF THE LABOR.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 230 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT REVISED ARTICLE 6 OF THE UNIFORM COMMERCIAL CODE, BULK SALES, AND CONFORMING AMENDMENTS TO OTHER ARTICLES OF THE UNIFORM COMMERCIAL CODE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 8.

S.B. 242, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FIRE DEPARTMENTS TO HONOR RETIRING OR DECEASED FIREFIGHTERS BY

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AWARDING THEIR FIRE HELMETS TO THEM OR TO A SURVIVING RELATIVE.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

A report is submitted by Senator Lucas for the **Education/Higher Education Committee**.

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE 2003-2004 Biennium

Senator Jeanne Lucas, Co-Chair
Room 300-G, LOB
Raleigh, NC
(919) 733-4599

Senator Steve Metcalf, Co-Chair
Room 300-B, LOB
Raleigh, NC 27601-2808
(919) 733-7850

Senator John Garwood, Co-Chair
Room 1118, LB
Raleigh, NC 27601-2808
(919) 733-5742

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MEMORANDUM

TO: Members of the Senate

FROM: Senator Jeanne Lucas, Co-Chair,
Senator Steve Metcalf, Co-Chair,
Senator John Garwood, Co-Chair,
Education/Higher Education Committee

RE: The University Board of Governors Nominees

Pursuant to Senate Resolution 174, the Education/Higher Education Committee has met and voted on the following slate of candidates to be submitted to the Senate. The Senate will elect 8 individuals from this slate to serve on The University of North Carolina Board of Governors.

NOMINEE

Brent D. Barringer
R. Steve Bowden
Freeman Edward Broadwell, Jr.
William L. Burns, Jr.
Betsy Lane Cochran

Larry J. Dagenhart
John W. Davis, III

SENATE SPONSOR(S)

Sen. Stevens
Sen. Dorsett
Sen. Metcalf
Sen. Gulley
Sen. Ballantine, Sen. Bingham,
Sen. Forrester, Sen. Garwood,
Sen. Hartsell, Sen. Soles
Sen. Clodfelter, Sen. Hartsell
Sen. Garrou

Peter D. Hans	Sen. Apodaca, Sen. Carpenter, Sen. Metcalf, Sen. Queen
Adelaide Daniels Key	Sen. Metcalf, Sen. Apodaca, Sen. Queen
Teena Smith Little	Sen. Garwood
Richard L. (Skip) Moore, II	Sen. Hagan
Dr. Paula R. Newsome	Sen. Rand
Charles S. Norwood, Jr.	Sen. Kerr
Benson O. Otovo	Sen. Shaw
Estelle "Bunny" Sanders	Sen. Jenkins
Ruth Dial Woods	Sen. Weinstein

**ELECTION OF MEMBERS
TO THE BOARD OF GOVERNORS
OF THE UNIVERSITY OF NORTH CAROLINA**

With the report of the Education/Higher Education Committee before the Body, and pursuant to **S.R. 174** (Committee Substitute), A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, the President recognizes Senator Lucas, Co-Chair of Education/Higher Education Committee, to explain the voting rules. Senator Lucas announces that Senator Garwood, Senator Metcalf, Senator Swindell, and Senator Horton will serve as her assistants to collect and canvass the ballots.

The ballots are distributed and the Senators proceed to vote by marking and signing their ballots.

The Senate recesses at 3:40 P.M. to allow the appointed members to canvass the ballots for the UNC Board of Governors.

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 Ballantine.

**ANNOUNCEMENT OF MEMBERS
ELECTED TO THE BOARD OF GOVERNORS
OF THE UNIVERSITY OF NORTH CAROLINA**

Pursuant to **S.R. 174** (Committee Substitute), A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, and with 47 ballots having been properly completed, Senator Lucas, Co-Chair of the Education/Higher Education Committee, announces the results of the election of members to the Board of Governors of the University of North Carolina, as follows:

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R. Steve Bowden
Freeman Edward Broadwell, Jr.
William L. Burns, Jr.
John W. Davis III
Peter D. Hans
Adelaide Daniels Key
Charles S. Norwood, Jr.
Estelle "Bunny" Sanders

The President declares R. Steve Bowden, Freeman Edward Broadwell, Jr., William L. Burns, Jr., John W. Davis III, Peter D. Hans, Adelaide Daniels Key, Charles S. Norwood, Jr., and Estelle "Bunny" Sanders duly elected to the Board of Governors of The University of North Carolina, and she further orders a special message sent to the House of Representatives informing that Honorable Body of such action. The President directs Senator Lucas, Co-Chair of the Education/Higher Education Committee, to notify the Secretary of the Board of Governors of The University of North Carolina of the names of the persons elected by the Senate.

The Honorable Beverly E. Perdue, Lieutenant Governor, relinquishes the gavel to the President Pro Tempore of the Senate, Senator Marc Basnight, who presides in the absence of the Lieutenant Governor.

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

CALENDAR *(continued)*

S.B. 251 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE PRACTICE OF THE "REBIRTHING" TECHNIQUE.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

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

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 472, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MARY LEWIS WYCHE, FOUNDER AND FIRST PRESIDENT OF THE NORTH CAROLINA NURSES ASSOCIATION AND ONE OF THE THREE NURSES APPOINTED TO THE FIRST NORTH CAROLINA BOARD OF NURSE EXAMINERS, ON THE ONE HUNDREDTH ANNIVERSARY OF PROFESSIONAL NURSING IN NORTH CAROLINA.

Upon motion of Senator Rand, the joint resolution is placed on the Calendar for immediate consideration and, upon motion of Senator Rand, is read in its entirety. Upon motion of Senator Foxx, the remarks of the members are spread upon the Journal, as follows:

Senator Rand:

“I don’t know if many of you had the opportunity today to go out on the Mall where we had the great celebration of the 100th Anniversary of the nursing society in North Carolina, the Nurses Association. That was an amazing event and one that I thought was one of the finest that I’ve seen around. There was a huge number from virtually every nursing program in the State of North Carolina that was gathered there today, Mr. President. It was a beautiful day out on the Mall back here and it really made you feel proud to be a North Carolinian and to really celebrate what nursing means to all of us.

“As we know, nursing is the foundation of healthcare and we have so much to be proud of. Mrs. Wyche was a truly amazing lady in that she put this association together here really from Rex Hospital and I have very fond memories of that training program. My Uncle Parker was a great admirer. He had spent time in the hospital. He had a recurring illness and he became a great supporter of the Nursing Association at Rex and he would have a big picnic for them every year. As a small boy I thought that was the finest thing that I’d ever seen because Uncle Parker would let me eat and drink all I wanted to. In those days I didn’t have that opportunity much, so that was a big deal. I became a great admirer and I imagine most of us have someone in our family that is a nurse. I had an aunt that was a nurse and this was a very important part, I think, for all of us growing up, and to think they put this Nurses Association together and passed the first Nursing Practice Act in the United States. That’s an amazing thing to think that in 1903 that North Carolina would be forward-thinking enough to do that.

“The second lady, of course, to register was from Buncombe County, the first from Craven County, and we checked in that year 85 nurses registered from Cumberland County. The first African American nurse to register was a native of Cumberland County, Annie Louis Rutherford, who registered as a nurse that year. We are very proud of her contribution to this thing, too.

“When you think about nursing in North Carolina and what they’ve contributed, certainly I think you need to remember Jane Wilkes who moved to Charlotte in 1854 with her husband and formed the Ladies Hospital Association. She established the Wayside Hospital for Civil War soldiers in 1862 and then in the 1870’s she worked with Saint Peter’s Episcopal Church to establish a Charlotte Home and Hospital, which is a forerunner to the Carolinas Medical Center. She also worked with the African American community in Charlotte to raise funds to open the Good Samaritan Hospital, the first privately funded independent hospital for the care of African Americans.

“I think we also need to remember Mary Mills from Pender County. In 1936 she became the first African American nurse in North Carolina to receive a Certificate of Public Health Nursing from the School of Public Health at University of North Carolina at Chapel Hill. In 1946 she joined the U.S. Public Health Service and spent 25 years in Africa, Asia, and the Middle East. She established schools of nursing, maternal childcare health clinics, small pox eradication programs in several countries. She became the first woman to receive the Rockefeller Public Service Award in 1971. North Carolina, having established the first registered nurse program in the United States, has a very rich history and I think we need to thank the Wyche family for Mary Lewis Wyche who made all of this possible for us. Mr. President, at the proper time, there are members of her family here today, David Wyche Parham and Teresa Parham, Pauline Wyche Reade Dawson, and Norman Hunter Wyche, Jr.

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We would thank them for the work that was done to do so much to recognize nursing in North Carolina, to establish this program in a particularly meaningful way as the first State in the Nation to do this and I would ask the members to support this resolution as we celebrate what nursing has meant to all of us in this country. Thank you.”

Senator Purcell:

“This is a great day in North Carolina for the nurses. I think Senator Forrester and I have probably worked with nurses as much as anybody in this Chamber and, as I’ve said before, the nurses today and Joanne Stevens always reminds me of how many times nurses have saved my neck. She didn’t use those terms, but how true it is. So many of us think that the doctors are getting you well, but it’s really the nurses who carry out the doctor’s orders, who work with you when you are a patient and I think it’s a great occasion to celebrate the 100th Anniversary with this resolution. I want to remind you, also, of the bill that we passed yesterday that provides for nurse license plates and fifteen dollars of the twenty-five dollars they pay for this license plate will go to scholarships for nurses and that’s what we need. There’s a terrific shortage of nurses in North Carolina and this is going to be a great impetus for that. I must add that I walked back to the office after the nurses were on the grounds to take them to my office and there were eighteen of us on the elevator and the elevator stopped between floors with me and seventeen nurses. The phone doesn’t work on those elevators, I’ll tell you that. If you see me coming out with some strange bill it’s because of promises I made to those nurses while they had me there for twenty minutes, but I ask that you support this resolution.”

The joint resolution passes its second reading (46-0) and third reading with members standing, and is ordered enrolled.

CALENDAR (*continued*)

S.J.R. 392, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MARY LEWIS WYCHE, FOUNDER AND FIRST PRESIDENT OF THE NORTH CAROLINA NURSES ASSOCIATION AND ONE OF THE THREE NURSES APPOINTED TO THE FIRST NORTH CAROLINA BOARD OF NURSE EXAMINERS, ON THE ONE HUNDREDTH ANNIVERSARY OF PROFESSIONAL NURSING IN NORTH CAROLINA.

Upon motion of Senator Rand, the joint resolution is withdrawn from today’s Calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

H.B. 340 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER, placed earlier on today’s Calendar.

Senator Hartsell offers Amendment No. 1 which fails of adoption (17-28).

The Committee Substitute bill passes its second (36-9) and third readings and is ordered enrolled and sent to the Governor by special message.

Upon motion of Senator Dannelly, seconded by Senator Swindell, the Senate adjourns subject to introduction of bills, to meet tomorrow, Thursday, April 3, at 11:00 A.M.

INTRODUCTION OF BILLS

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

By Senators Metcalf; Carpenter, Dannelly, Garwood, Holloman, Kinnaird, Lucas, Malone and Queen:

S.B. 665, A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXCISE TAX ON ALCOHOL TO FUND MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES NEEDS.

Referred to **Finance Committee**.

By Senators Metcalf, Rucho; Allran, Apodaca, Ballantine, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Dalton, Forrester, Garwood, Hartsell, Pittenger, Queen, Rand, Sloan, Smith, Stevens, Tillman and Weinstein:

S.B. 666, A BILL TO BE ENTITLED AN ACT TO CREATE A TRAVEL AND TOURISM CAPITAL INCENTIVE GRANT PROGRAM.

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

By Senators Metcalf; Albertson, Carpenter, Holloman, Kinnaird, Lucas and Malone:

S.B. 667, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES PROGRAMS, AS REQUESTED BY COALITION 2001.

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

By Senator Metcalf:

S.B. 668, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE COMMISSION TO ISSUE BEER AND WINE SHIPPERS PERMITS TO ALLOW THE DIRECT SHIPMENT OF MALT BEVERAGES AND WINES TO RESIDENTS OF NORTH CAROLINA.

Referred to **Finance Committee**.

By Senator Hartsell:

S.B. 669, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE CIVIL REMEDY FOR PROTECTION OF ANIMALS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Judiciary I Committee**.

By Senator Hartsell:

S.B. 670, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CREDITABLE SERVICE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM SHALL INCLUDE PERIODS OF EMPLOYER-APPROVED LEAVES OF ABSENCE WHEN IN RECEIPT OF WORKERS' COMPENSATION BENEFITS.

Referred to **Commerce Committee**.

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By Senator Hartsell:

S.B. 671, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PROPERTY OWNED BY A HOMEOWNERS ASSOCIATION MAY QUALIFY FOR USE VALUE PROPERTY TAXATION.

Referred to **Finance Committee**.

By Senator Hartsell:

S.B. 672, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE QUALITY AND ACCOUNTABILITY OF THE PUBLIC HEALTH SYSTEM BY STRENGTHENING THE PUBLIC HEALTH INFRASTRUCTURE, TO IMPROVE PUBLIC HEALTH OUTCOMES AND REDUCE HEALTH DISPARITIES BY THE DEVELOPMENT OF STATE AND LOCAL COMPREHENSIVE PUBLIC HEALTH PLANS, AND TO IMPROVE THE PUBLIC HEALTH WORKFORCE BY ENHANCING COLLABORATION WITH PUBLIC AND PRIVATE SECTOR ENTITIES AND IMPOSING PERFORMANCE STANDARDS FOR PUBLIC HEALTH PRACTICE.

Referred to **Health and Human Resources Committee**.

By Senator Hoyle:

S.B. 673, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE BASE TO WHICH THE ADDITIONAL FIRE AND LIGHTNING PREMIUMS TAX RATE APPLIES.

Referred to **Commerce Committee**.

By Senator Hoyle:

S.B. 674, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A GRADUATED CORPORATE INCOME TAX.

Referred to **Finance Committee**.

By Senator Hoyle:

S.B. 675, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROFESSIONAL DEVELOPMENT PROGRAM FOR CODE-ENFORCEMENT OFFICIALS, TO AUTHORIZE THE USE OF FUNDS FROM THE DEPARTMENT OF INSURANCE FUND FOR PROFESSIONAL DEVELOPMENT OF CODE-ENFORCEMENT OFFICIALS, AND TO APPROPRIATE FUNDS FROM THE INSURANCE REGULATORY FUND FOR THAT PURPOSE.

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

By Senator Hoyle:

S.B. 676, A BILL TO BE ENTITLED AN ACT TO AMEND THE BANKING LAWS OF NORTH CAROLINA.

Referred to **Commerce Committee**.

By Senator Hoyle:

S.B. 677, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CAPITAL AND OPERATIONAL COSTS OF ESTABLISHING THE MOUNTAIN ISLAND EDUCATIONAL STATE FOREST TO BE LOCATED IN

LINCOLN AND GASTON COUNTIES.

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

By Senator Hoyle:

S.B. 678, A BILL TO BE ENTITLED AN ACT TO ADJUST FEES FOR THE LOCAL GOVERNMENT FINANCE DIVISION OF THE DEPARTMENT OF STATE TREASURER TO REFLECT ADDITIONAL RESPONSIBILITIES OF THE DIVISION.

Referred to **Finance Committee**.

By Senator Hoyle:

S.B. 679, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PUBLIC FINANCING LAWS OF THE STATE.

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

By Senators Hoyle; Allran and Bingham:

S.B. 680, A BILL TO BE ENTITLED AN ACT TO ALLOW INCOME TAX CREDITS FOR VOLUNTARY WORKPLACE SAFETY EFFORTS BY EMPLOYERS.

Referred to **Finance Committee**.

By Senator Hoyle:

S.B. 681, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND IMPLEMENT ECONOMIC INITIATIVES.

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

By Senator Kerr:

S.B. 682, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW TO ADJUST AND MAKE FLEXIBLE INTEREST RATES IN THE WATER POLLUTION CONTROL REVOLVING FUND AND THE DRINKING WATER TREATMENT REVOLVING FUND.

Referred to **Finance Committee**.

By Senators Kerr; and Hoyle:

S.B. 683, A BILL TO BE ENTITLED AN ACT TO PROVIDE A STATUTORY FRAMEWORK FOR THE FINANCING OF CAPITAL FACILITIES BY THE STATE AND TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO ACQUIRE TWO PRIVATE PRISONS, FOR SITE WORK FOR A HOSPITAL AT CENTRAL PRISON, FOR A STATE BUREAU OF INVESTIGATION LABORATORY ADDITION FOR RAPE KIT DNA TESTING AND OTHER FORENSIC PURPOSES, AND FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, AND THE PRESERVATION OF NATURAL HERITAGE.

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

By Senators Weinstein, Horton; Bingham, Carpenter, Carrington, Clodfelter, Hartsell, Kinnaird, Lucas, Moore, Rand, Reeves and Tillman:

S.B. 684, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COASTAL

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RECREATIONAL FISHING LICENSE AND A MARINE RESOURCES RESTORATION FUND TO RESTORE, PROTECT, AND ENHANCE THE MARINE RESOURCES OF THE STATE.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Weinstein; Berger, Hoyle, Kerr, Lucas and Rucho:

S.B. 685, A BILL TO BE ENTITLED AN ACT TO CONFORM THE LAWS RELATED TO PERMISSIBLE INTEREST RATES FOR HOME LOANS SECURED BY SECOND AND SUBSEQUENT MORTGAGES TO THE LAWS GOVERNING PERMISSIBLE INTEREST RATES FOR HOME LOANS SECURED BY FIRST MORTGAGES.

Referred to **Commerce Committee**.

By Senators Tillman; Allran, Apodaca, Bingham, Blake, Brock, Carpenter, Forrester, Foxx, Garwood, Hargett, Holloman, Horton, Metcalf, Pittenger, Queen, Shubert, Sloan, Smith and Stevens:

S.B. 686, A BILL TO BE ENTITLED AN ACT TO ENABLE RETIRED EDUCATORS TO RETURN TO THE PUBLIC SCHOOLS WITHOUT LOSING RETIREMENT BENEFITS.

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

By Senator Thomas:

S.B. 687, 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** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Thomas:

S.B. 688, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF DISTRICT ATTORNEYS.

Referred to **Judiciary I Committee**.

By Senator Thomas:

S.B. 689, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Thomas:

S.B. 690, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Thomas:

S.B. 691, A BILL TO BE ENTITLED AN ACT TO REQUIRE REAL PROPERTY WARRANTY COMPANIES TO CARRY CONTRACTUAL LIABILITY POLICIES; REQUIRE MOTOR VEHICLE AND HOME APPLIANCE

SERVICE AGREEMENT COMPANIES TO USE A SPECIFIC FORMAT ON ALL WRITTEN MATERIALS SUBMITTED; MANDATE ALL REQUIRED SUBMISSIONS TO THE DEPARTMENT OF INSURANCE TO BE IN A SPECIFIC FORMAT IF IN WRITING; REQUIRE WARRANTY COMPANIES TO COMPLY WITH ARTICLE 1 OF CHAPTER 58 OF THE GENERAL STATUTES; DEFINE MECHANICAL BREAKDOWN SERVICE AGREEMENTS AND REQUIRE ALL MECHANICAL BREAKDOWN SERVICE AGREEMENT COMPANIES TO COMPLY WITH ARTICLE 1 OF CHAPTER 58 OF THE GENERAL STATUTES AND WITH THE RULES REGARDING MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES; AND PROVIDE THAT A BAD CHECK CONSTITUTES NONPAYMENT OF PREMIUM OF A MOTOR VEHICLE LIABILITY INSURANCE POLICY.

Referred to **Commerce Committee**.

By Senator Thomas:

S.B. 692, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN INFORMATION CONCERNING PLANS TO RESPOND TO TERRORIST ACTIVITY ARE NOT SUBJECT TO THE PUBLIC RECORDS OR OPEN MEETINGS LAWS.

Referred to **Judiciary II Committee**.

By Senator Thomas:

S.B. 693, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING ENHANCED SENTENCES AS RECOMMENDED BY THE SENTENCING COMMISSION AND TO MAKE CONFORMING CHANGES.

Referred to **Judiciary II Committee**.

By Senator Thomas:

S.B. 694, A BILL TO BE ENTITLED AN ACT TO PROVIDE IN THE SAME MANNER AS FEDERAL LAW THAT A CONTROLLED SUBSTANCE ANALOGUE SHALL, TO THE EXTENT INTENDED FOR HUMAN CONSUMPTION, BE TREATED AS A CONTROLLED SUBSTANCE IN SCHEDULE I OF THE NORTH CAROLINA CONTROLLED SUBSTANCES ACT, AND TO PROVIDE THAT THUS MAE 1, 4-BUTANEDIOL, AN ANALOGUE OF GAMMA-HYDROXYBUTRIC ACID (GHB), IS A SCHEDULE I CONTROLLED SUBSTANCE WHEN THE SUBSTANCE IS INTENDED FOR HUMAN CONSUMPTION.

Referred to **Judiciary II Committee**.

By Senator Thomas:

S.B. 695, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE EXPANSION FUNDS FOR THE NORTH CAROLINA VICTIM ASSISTANCE NETWORK.

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

By Senators Metcalf; Albertson, Garwood, Kerr, Rand and Soles:

S.B. 696, A BILL TO BE ENTITLED AN ACT TO EFFECTIVELY RECRUIT AND RETAIN TEACHERS FOR THE NORTH CAROLINA PUBLIC SCHOOLS.

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

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By Senators Metcalf; Albertson, Dalton, Garwood, Kerr, Rand and Soles:

S.B. 697, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NORTH CAROLINA COMMUNITY COLLEGES INSTRUCTIONAL TRUST FUND.

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

By Senators Metcalf; and Garwood:

S.B. 698, A BILL TO BE ENTITLED AN ACT TO ADD TWO ADVISORY MEMBERS TO THE STATE BOARD OF EDUCATION.

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

By Senators Metcalf; Apodaca, Carpenter, Dannelly, Garwood, Holloman, Kinnaird, Lucas and Tillman:

S.B. 699, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE HIGH SCHOOL EXIT EXAM AND RESTRICT THE STATE BOARD OF EDUCATION FROM DEVELOPING ANY FURTHER STANDARDIZED TESTS THAT ARE NOT REQUIRED TO FULFILL THE NO CHILD LEFT BEHIND ACT OF 2001 OR OTHER FEDERAL LAW.

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

By Senators Metcalf; and Rand:

S.B. 700, A BILL TO BE ENTITLED AN ACT TO INCREASE THE SALARY OF TEACHER ASSISTANTS AND TO PAY TUITION FOR THE COURSES TEACHER ASSISTANTS MUST TAKE TO COMPLY WITH THE NO CHILD LEFT BEHIND ACT OF 2001.

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

By Senators Metcalf; Albertson, Dalton, Garwood, Kerr, Rand and Soles:

S.B. 701, A BILL TO BE ENTITLED AN ACT TO FACILITATE JOB SHARING BY CERTAIN PUBLIC SCHOOL PROFESSIONAL PERSONNEL.

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

By Senators Metcalf; Albertson, Garwood, Kerr, Rand, Soles and Swindell:

S.B. 702, A BILL TO BE ENTITLED AN ACT TO PERMIT THE COMMUNITY COLLEGES SYSTEM TO USE UNSPENT FUNDS TO PURCHASE INSTRUCTIONAL EQUIPMENT.

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

By Senators Metcalf, Swindell, Holloman; Albertson, Apodaca, Dalton, Garwood, Kerr, Rand and Soles:

S.B. 703, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A LEGISLATIVE STUDY COMMISSION ON RURAL SCHOOLS.

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

By Senator Kerr:

S.B. 704, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE TRAUMATIC BRAIN INJURY ADVISORY COUNCIL.

Referred to **Health and Human Resources Committee**.

By Senator Kerr:

S.B. 705, 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 Ballantine:

S.B. 706, A BILL TO BE ENTITLED AN ACT TO ALLOW UNC-WILMINGTON TO ADD BLEACHERS TO AN EXISTING ATHLETIC STADIUM WITHOUT HAVING TO CONSTRUCT ADDITIONAL PLUMBING FACILITIES.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senators Shubert; Apodaca, Blake, Brock, Carpenter, Forrester, Foxx, Garwood, Pittenger, Rucho and Stevens:

S.B. 707, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR CERTAIN REPEAT OFFENSES OF MISDEMEANOR LARCENY OR SHOPLIFTING.

Referred to **Judiciary II Committee**.

By Senators Shubert; Blake, Carpenter, Forrester, Foxx and Pittenger:

S.B. 708, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL LAW ENFORCEMENT AGENCIES TO ACCESS THE CRIMINAL INFORMATION NETWORK TO RUN CRIMINAL BACKGROUND CHECKS ON PROSPECTIVE MEMBERS OF VOLUNTEER FIRE DEPARTMENTS.

Referred to **Judiciary II Committee**.

By Senators Shubert; Brock, Carpenter, Forrester, Foxx and Pittenger:

S.B. 709, A BILL TO BE ENTITLED AN ACT TO MAKE THE NORTH CAROLINA LIBRARIES FOR VIRTUAL EDUCATION (NC LIVE) SYSTEM AVAILABLE IN ALL SCHOOLS IN THE STATE.

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

By Senators Shubert; Allran, Apodaca, Blake, Brock, Carpenter, Forrester, Foxx, Garwood, Horton, Pittenger, Rucho, Sloan and Stevens:

S.B. 710, A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL BOARDS OF EDUCATION TO USE LOCAL FUNDS TO RECRUIT AND RETAIN TEACHERS IN CRITICAL SHORTAGE AREAS.

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

By Senators Shubert; Apodaca, Blake, Brock, Carpenter, Forrester, Foxx, Garwood, Pittenger, Rucho and Stevens:

S.B. 711, A BILL TO BE ENTITLED AN ACT TO ALLOW A SALES AND USE TAX EXEMPTION FOR LOCAL SCHOOL BOARDS INSTEAD OF A SALES AND USE TAX REFUND TO LOCAL SCHOOL BOARDS.

Referred to **Finance Committee**.

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By Senators Shubert; Allran, Apodaca, Bingham, Brock, Carpenter, Forrester, Foxx, Horton, Pittenger, Rucho, Sloan, Smith and Stevens:

S.B. 712, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON THE NUMBER OF CHARTER SCHOOLS.

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

By Senator Hoyle:

S.B. 713, A BILL TO BE ENTITLED AN ACT TO RESTORE INTEGRITY TO THE WORKERS' COMPENSATION ACT.

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

By Senator Hartsell:

S.B. 714, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT TEACHERS DO NOT LOSE PAY WHILE THEY ARE ON MILITARY DUTY.

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

By Senator Hartsell:

S.B. 715, A BILL TO BE ENTITLED AN ACT TO REQUIRE PUBLIC WATER SYSTEMS TO PREPARE LOCAL WATER SUPPLY PLANS, TO AUTHORIZE THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO MAKE DROUGHT DESIGNATIONS, TO REPEAL THE AGRICULTURE EXEMPTION FROM WATER WITHDRAWAL AND TRANSFER REGISTRATION REQUIREMENTS, AND TO REQUIRE AN ANNUAL UPDATE OF WATER WITHDRAWAL AND TRANSFER REGISTRATION.

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

By Senator Hartsell:

S.B. 716, A BILL TO BE ENTITLED AN ACT TO REPEAL THE UNIFORM ARBITRATION ACT AND TO ENACT THE REVISED UNIFORM ARBITRATION ACT.

Referred to **Judiciary II Committee**.

By Senators Garrou, Dalton and Hagan:

S.B. 717, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

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

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 5:22 P.M.

THIRTY-EIGHTH DAY

Senate Chamber
Thursday, April 3, 2003

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 saying 'If there is a job to be done, always ask the busiest people to take it on and it gets done.' must be true.

"We thank You for all that has been accomplished during one of the busiest of weeks in the Senate session by bill drafting, Senators, and staff.

"May the hundreds of bills that have been filed receive a good hearing and careful debate.

"Finally, grant the Senate family a safe journey and a well deserved rest over the weekend. Amen."

The Chair grants leaves of absence for today to Senator Ballantine and Senator Tillman.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, April 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. Michael M. Marushack from Southport, 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. 340, AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER.

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. 472, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MARY LEWIS WYCHE, FOUNDER AND FIRST PRESIDENT OF THE NORTH CAROLINA NURSES ASSOCIATION AND ONE OF THE THREE NURSES APPOINTED TO THE FIRST NORTH CAROLINA BOARD OF NURSE EXAMINERS, ON THE ONE HUNDREDTH ANNIVERSARY OF PROFESSIONAL NURSING IN NORTH CAROLINA. (Res. 6)

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CALENDAR

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

S.B. 122 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE CITIES OF GASTONIA AND LOCUST AND THE TOWNS OF PINE LEVEL AND RANLO, as amended by a material amendment on April 2, 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, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas and Weinstein—44.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, April 7, upon third reading.

S.B. 417, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR WAYNE COUNTY TO DESIGNATE STAGGERED TERMS FOR ITS BOARD OF COMMISSIONERS.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 489, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR ALL FIVE MEMBERS OF THE BOARD OF COMMISSIONERS OF WILKES COUNTY, RATHER THAN THE CURRENT SYSTEM WHERE FOUR OF THE MEMBERS ARE ELECTED FOR STAGGERED FOUR-YEAR TERMS AND ONE FOR A TWO-YEAR TERM.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 465, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF HIGH POINT 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 bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 93, 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.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 293 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING SALES REPRESENTATIVE COMMISSIONS.

The Committee Substitute bill passes its second (46-1) and third readings and is ordered sent to the House of Representatives.

S.B. 539, A BILL TO BE ENTITLED AN ACT AMENDING THE LAW GOVERNING THE LIMITED PRACTICE OF OUT-OF-STATE ATTORNEYS-AT-LAW AND THE OPERATION OF THE COUNCIL AND DISCIPLINARY HEARING COMMISSION OF THE NORTH CAROLINA STATE BAR.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

H.B. 36 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW THAT AUTHORIZES THE INVOLUNTARY STERILIZATION OF PERSONS WHO ARE MENTALLY ILL OR MENTALLY RETARDED, TO PERMIT THE STERILIZATION OF MENTALLY ILL OR MENTALLY RETARDED WARDS ONLY WHEN THERE IS A MEDICAL NECESSITY, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM COMMITTEE

S.B. 9, A BILL TO BE ENTITLED AN ACT TO MODIFY MEDICAL MALPRACTICE ACTIONS BY ESTABLISHING A CAP ON THE AWARD FOR NONECONOMIC COMPENSATORY DAMAGES, BY AUTHORIZING THE PERIODIC PAYMENT OF FUTURE DAMAGES IN LIEU OF A LUMP-SUM PAYMENT, AND BY ESTABLISHING MAXIMUM LIMITS FOR ATTORNEYS' FEES THAT ARE TO BE PAID ON A CONTINGENCY FEE BASIS, referred to the **Rules and Operations of the Senate Committee** on February 26.

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 **Select Committee on Insurance and Civil Justice Reform**, 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 **Select Committee on Insurance and Civil Justice Reform**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 23, A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE DEPARTMENT OF TRANSPORTATION AS THE STATE AGENCY RESPONSIBLE FOR FIXED GUIDEWAY TRANSIT SAFETY, PURSUANT TO FEDERAL LAW, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to **Transportation Committee**.

H.B. 65 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

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PROVIDE THAT PHOTOGRAPHS AND VIDEO OR AUDIO RECORDINGS MADE PURSUANT TO AN AUTOPSY ARE NOT PUBLIC RECORDS AND TO ALLOW FOR LIMITED ACCESS TO RECORDED IMAGES OF AN AUTOPSY BY THE PUBLIC.

Referred to **Judiciary I Committee**.

H.B. 253, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND RELATED SUBSTANTIVE CHANGES TO THE CONTINUING CARE RETIREMENT (CCR) LAWS TO ELIMINATE THE UNNECESSARY PROVISION ALLOWING FOR ACCREDITED BUT UNLICENSED PROVIDERS OF CCR SERVICES; CHANGE REFERENCES FROM "FACILITY" TO "PROVIDER" WHERE APPROPRIATE TO ACCOMMODATE THE SITUATION WHERE AN ENTITY OPERATES MORE THAN ONE FACILITY; CHANGE "FORECAST" TO "FORECASTED" WHERE FOUND; CHANGE THE OPERATING RESERVES STATUTE BY REWORDING SOME PROVISIONS TECHNICALLY; CHANGE REFERENCES TO "REGISTRATION" OF A FACILITY TO "LICENSURE"; MAKE GENDER NEUTRAL CHANGES TO THE CCR LAWS; CLARIFY THAT A PROVIDER MUST HOLD SEMI-ANNUAL MEETINGS WITH THE RESIDENTS OF EACH FACILITY OPERATED BY THE PROVIDER; AND MAKE OTHER TECHNICAL AND CONFORMING CHANGES TO ARTICLE 64.

Referred to **Health and Human Resources Committee**.

H.B. 270, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE INSURANCE LAWS.

Referred to **Commerce Committee**.

H.B. 408 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SECRET PEEPING STATUTE AND TO MAKE CONFORMING CHANGES.

Referred to **Judiciary I Committee**.

ADDITIONAL SPONSOR

Senator Carpenter and Senator Foxx request to be added as a sponsor of previously introduced legislation:

S.B. 680, A BILL TO BE ENTITLED AN ACT TO ALLOW INCOME TAX CREDITS FOR VOLUNTARY WORKPLACE SAFETY EFFORTS BY EMPLOYERS.

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

S.B. 684, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COASTAL RECREATIONAL FISHING LICENSE AND A MARINE RESOURCES RESTORATION FUND TO RESTORE, PROTECT, AND ENHANCE THE MARINE RESOURCES OF THE STATE.

S.B. 685, A BILL TO BE ENTITLED AN ACT TO CONFORM THE LAWS RELATED TO PERMISSIBLE INTEREST RATES FOR HOME LOANS SECURED BY SECOND AND SUBSEQUENT MORTGAGES TO THE LAWS GOVERNING PERMISSIBLE INTEREST RATES FOR HOME LOANS SECURED BY FIRST MORTGAGES.

Upon motion of Senator Basnight, seconded by Senator Dalton, the Senate adjourns subject to introduction of bills, to meet Monday, April 7, at 7:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Hagan; and Garrou:

S.B. 718, A BILL TO BE ENTITLED AN ACT AMENDING THE DOMESTIC VIOLENCE LAWS TO REMOVE THE CURRENT LIMITATIONS UNDER WHICH COURTS MAY ADDRESS THE ISSUE OF CUSTODY EX PARTE, REQUIRING COURTS TO CONSIDER CUSTODY AS PART OF AN EX PARTE OR PERMANENT ORDER HEARING, AND CREATING A PRESUMPTION THAT IT IS IN THE BEST INTEREST OF THE CHILD TO BE PLACED IN THE CUSTODY OF THE NONOFFENDING CAREGIVER.

Referred to **Judiciary II Committee**.

By Senators Forrester; and Sloan:

S.B. 719, A BILL TO BE ENTITLED AN ACT TO REDUCE INCOME TAX RATES.

Referred to **Finance Committee**.

By Senator Metcalf:

S.B. 720, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING THE UNIVERSITY OF NORTH CAROLINA.

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

By Senators Kinnaird; and Lucas:

S.B. 721, A BILL TO BE ENTITLED AN ACT TO ALLOW AN ADOPTIVE PARENT AND A BIRTH RELATIVE TO ENTER INTO A WRITTEN AGREEMENT TO PROVIDE FOR POST-ADOPTION CONTACT AND COMMUNICATION.

Referred to **Judiciary II Committee**.

By Senators Kinnaird; Apodaca, Ballantine, Berger, Carpenter, Foxx, Gulley, Hagan, Hartsell, Horton, Kerr, Metcalf and Webster:

S.B. 722, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE DISPLAY OF THE UNITED STATES FLAG.

Referred to **Judiciary II Committee**.

By Senator Kinnaird:

S.B. 723, A BILL TO BE ENTITLED AN ACT REINSTATING THE

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MORATORIUM ON FURTHER BILLBOARDS ALONG INTERSTATE 40 IN NORTH CAROLINA FROM THE ORANGE-ALAMANCE COUNTY LINE TO THE CORPORATE LIMITS OF THE CITY OF WILMINGTON.

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

By Senators Kinnaird; Dannelly, Dorsett, Garrou, Gulley, Lucas, Malone, Metcalf and Reeves:

S.B. 724, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CIRCUMSTANCES UNDER WHICH A RESIDENT MAY BE TRANSFERRED OR DISCHARGED FROM AN ADULT CARE HOME.

Referred to **Health and Human Resources Committee**.

By Senators Clodfelter; Dannelly, Hartsell, Hoyle, Lucas, Metcalf, Rand, Reeves and Stevens:

S.B. 725, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PERMIT CITIES AND COUNTIES TO INCUR OBLIGATIONS TO FINANCE THE PUBLIC PORTION OF CERTAIN ECONOMIC DEVELOPMENT PROJECTS.

Referred to **Finance Committee**.

By Senators Clodfelter; Gulley and Hartsell:

S.B. 726, A BILL TO BE ENTITLED AN ACT TO REINFORCE THE INDEPENDENCE OF THE JUDICIAL BRANCH AS A SEPARATE AND COORDINATE BRANCH OF STATE GOVERNMENT AND TO ENSURE THE FISCAL INTEGRITY AND ACCOUNTABILITY OF THE JUDICIAL BRANCH, AS RECOMMENDED BY THE STATE JUDICIAL COUNCIL.

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

By Senators Clodfelter; Gulley and Reeves:

S.B. 727, A BILL TO BE ENTITLED AN ACT RELATING TO PROPERTY TAX VALUATION OF LOW- AND MODERATE-INCOME HOUSING.

Referred to **Finance Committee**.

By Senators Clodfelter, Jenkins; and Moore:

S.B. 728, A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS TO MODIFY THE "STUDENT CREDIT HOURS ENROLLMENT CHANGE FUNDING FORMULA" SO THAT THE CONSTITUENT INSTITUTIONS ARE ENCOURAGED TO RECRUIT AND EDUCATE FUTURE CLASSROOM TEACHERS.

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

By Senators Clodfelter; and Rand:

S.B. 729, A BILL TO BE ENTITLED AN ACT TO CLARIFY EMPLOYEE FLEXIBLE COMPENSATION PLANS OF THE UNIVERSITY OF NORTH CAROLINA.

Referred to **Select Committee on Employee Hospital and Medical Benefits**.

By Senators Albertson; and Jenkins:

S.B. 730, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING THE CULTIVATION OF SHELLFISH, TO ELIMINATE THE PERSONAL USE EXEMPTION FROM SHELLFISH LICENSE REQUIREMENTS, TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO ADOPT TEMPORARY RULES RELATED TO THE CULTIVATION OF SHELLFISH, AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO STUDY ISSUES RELATED TO THE CULTIVATION OF SHELLFISH.

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

By Senator Albertson:

S.B. 731, A BILL TO BE ENTITLED AN ACT TO INCREASE THE SIZE OF PACKAGES OF FERTILIZER THAT MAY BE SOLD WITH NUTRIENT GUARANTEES STATED IN FRACTIONAL PERCENTAGES AND TO AUTHORIZE THE BOARD OF AGRICULTURE TO ADOPT TEMPORARY RULES IN ORDER TO ESTABLISH RENTAL RATES FOR THE USE OF FACILITIES OPERATED BY THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

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

By Senators Albertson; Bingham, Dorsett, Garrou, Garwood, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Purcell, Rand, Sloan, Thomas, Tillman and Weinstein:

S.B. 732, A BILL TO BE ENTITLED AN ACT TO MAKE IMPROVEMENTS IN THE REGULATION OF PETROLEUM UNDERGROUND STORAGE TANKS AND TO THE LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP PROGRAM.

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

By Senators Albertson; Bingham, Brock, Dorsett, Garrou, Garwood, Hargett, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Purcell, Rand, Sloan, Smith, Thomas, Tillman and Weinstein:

S.B. 733, A BILL TO BE ENTITLED AN ACT TO STUDY THE USE OF GENERAL PERMITS FOR ANIMAL WASTE MANAGEMENT SYSTEMS FOR SMALL AND MEDIUM DAIRY, POULTRY, AND ANIMAL OPERATIONS AND RECOMMEND ANY ADDITIONAL PERMIT REQUIREMENTS THAT ARE NEEDED TO PROTECT WATER QUALITY.

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

By Senator Lucas:

S.B. 734, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA-3.

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

By Senator Lucas:

S.B. 735, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA-4.

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

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By Senators Lucas; Dannelly, Dorsett, Holloman, Kinnaird, Malone and Metcalf:

S.B. 736, A BILL TO BE ENTITLED AN ACT TO HONOR THE MEMORY OF MATTHEW SHEPARD BY EXPANDING THE SCOPE OF THE HATE CRIME LAWS AND INCREASING THE CRIMINAL PENALTY FOR COMMITTING A HATE CRIME.

Referred to **Judiciary I Committee**.

By Senators Lucas; Dannelly, Dorsett, Garwood, Holloman, Kinnaird and Malone:

S.B. 737, A BILL TO BE ENTITLED AN ACT TO MODIFY THE SCHOOL CALENDAR TO ENSURE TEACHERS HAVE AN OPPORTUNITY TO TAKE ADVANTAGE OF ANNUAL LEAVE THEY HAVE EARNED.

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

By Senators Lucas; Dannelly, Dorsett, Garwood, Holloman, Kinnaird and Malone:

S.B. 738, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ASSIST LOCAL SCHOOL ADMINISTRATIVE UNITS ON THE IMPLEMENTATION OF THE NO CHILD LEFT BEHIND ACT OF 2001.

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

By Senator Lucas:

S.B. 739, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA-1.

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

By Senator Lucas:

S.B. 740, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA-2.

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

By Senators Lucas, Dannelly, Gulley; Dorsett, Holloman and Malone:

S.B. 741, A BILL TO BE ENTITLED AN ACT TO ALLOW THE OLD NORTH CAROLINA STATE MEDICAL SOCIETY TO MAKE RECOMMENDATIONS TO THE GOVERNOR FOR NOMINATIONS TO THE NORTH CAROLINA MEDICAL BOARD.

Referred to **Health and Human Resources Committee**.

By Senators Lucas; Clodfelter, Dorsett, Gulley, Holloman and Malone:

S.B. 742, A BILL TO BE ENTITLED AN ACT CREATING THE LIVING INCOME STUDY COMMISSION AND APPROPRIATING FUNDS FOR THE WORK OF THE COMMISSION.

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

By Senators Lucas; Dannelly, Dorsett and Garwood:

S.B. 743, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ENERGY ASSISTANCE ACT FOR LOW-INCOME PERSONS.

Referred to **Commerce Committee**.

By Senator Lucas:

S.B. 744, A BILL TO BE ENTITLED AN ACT TO REPEAL THE FELONY MURDER RULE.

Referred to **Judiciary I Committee**.

By Senators Lucas, Clodfelter; Dannelly, Dorsett, Garwood, Gulley, Hartsell, Holloman and Malone:

S.B. 745, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT EARLY VOTING SITES AND AT CENTRAL SITES ON ELECTION DAY; AND TO PROVIDE FOR ADEQUATE IDENTIFICATION REQUIREMENTS FOR PERSONS REGISTERING AND VOTING ON THE SAME DAY TO PROTECT AGAINST FRAUD; AND TO APPROPRIATE FUNDS FOR IMPLEMENTING AND MONITORING THE PROGRAM.

Referred to **Judiciary I Committee**.

By Senators Lucas; Dannelly, Gulley and Holloman:

S.J.R. 746, A JOINT RESOLUTION HONORING DR. BARTLETT SNIPES DURHAM ON THE 150TH ANNIVERSARY OF THE CITY OF DURHAM.

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

By Senators Lucas; Dannelly, Dorsett, Garrou and Malone:

S.B. 747, A BILL TO BE ENTITLED AN ACT CREATING THE STATE GOVERNMENT EMPLOYMENT PAY EQUITY STUDY COMMISSION AND APPROPRIATING FUNDS FOR THAT PURPOSE.

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

By Senators Sloan; Brock, Shubert and Tillman:

S.B. 748, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CONDEMNOR MAY TAKE ONLY THE MINIMUM INTEREST IN PROPERTY NECESSARY FOR THE PURPOSE FOR WHICH IT IS BEING TAKEN.

Referred to **Judiciary II Committee**.

By Senator Hagan:

S.B. 749, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FLEXIBILITY IN THE USE OF FUNDS APPROPRIATED FOR SUBSTITUTE TEACHERS.

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

By Senator Hagan:

S.B. 750, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CEILING THAT A SMALL BREWERY MAY PRODUCE WITHOUT BEING REQUIRED TO GO THROUGH A MALT BEVERAGE DISTRIBUTOR.

Referred to **Commerce Committee**.

By Senator Hagan:

S.B. 751, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSIONER OF AGRICULTURE TO IMPOSE CIVIL PENALTIES FOR VIOLATIONS OF THE NORTH CAROLINA FOOD, DRUG AND COSMETIC ACT.

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

By Senator Jenkins:

S.B. 752, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND IMPLEMENT ECONOMIC INITIATIVES.

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

By Senators Jenkins; and Lucas:

S.B. 753, A BILL TO BE ENTITLED AN ACT TO AMEND THE QUALIFICATIONS FOR PERSONS NOMINATED AS MAGISTRATES.

Referred to **Judiciary I Committee**.

By Senators Hoyle; Albertson, Apodaca, Ballantine, Blake, Brock, Carpenter, Carrington, Forrester, Foxx, Garwood, Gulley, Holloman, Horton, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rucho, Shaw, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein:

S.B. 754, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE STOCK CAR RACING THEM SPECIAL PLATES.

Referred to **Finance Committee**.

By Senators Garrou; Allran, Hagan and Lucas:

S.B. 755, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR COMPETITIVE SELECTION OF CERTAIN SUPPLEMENTAL INSURANCE PRODUCTS FOR RETIRED STATE EMPLOYEES.

Referred to **Commerce Committee**.

By Senators Garrou; and Horton:

S.B. 756, A BILL TO BE ENTITLED AN ACT TO AMEND THE BROWNFIELDS PROPERTY REUSE ACT.

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

By Senators Garrou; and Lucas:

S.B. 757, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF COSMETIC ART EXAMINERS TO ESTABLISH NEW FEES AND TO INCREASE CERTAIN CURRENT FEES UNDER THE COSMETIC ART ACT.

Referred to **Finance Committee**.

By Senators Rand, Clodfelter and Soles:

S.B. 758, A BILL TO BE ENTITLED AN ACT TO OPEN UP THE HEALTH INSURANCE MARKET FOR SMALL EMPLOYERS IN NORTH CAROLINA.

Referred to **Commerce Committee**.

By Senators Kerr; and Hoyle:

S.B. 759, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE MONIES FOR THE WORKERS' COMPENSATION FUND FOR THE BENEFIT OF VOLUNTEER SAFETY WORKERS.

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

By Senators Gulley; Allran, Bingham, Carrington, Dalton, Dannelly, Garrou,

Hagan, Hartsell, Horton, Kinnaird, Metcalf, Purcell, Rand, Reeves, Shaw and Soles:

S.B. 760, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT GRANTS FROM UNIFORM PROGRAMS FOR PUBLIC CAMPAIGN FINANCING DO NOT CONSTITUTE "CONTRIBUTIONS" AND ARE NOT SUBJECT TO RESTRICTIONS ON CONTRIBUTIONS; TO CLARIFY THAT CERTAIN CITY AND COUNTY GOVERNMENTS ARE AUTHORIZED TO CONDUCT THOSE PROGRAMS; TO GRANT CITY AND COUNTY GOVERNMENTS LIMITED AUTHORITY TO SET STRICTER LIMITS THAN THOSE IN EFFECT STATEWIDE FOR CONTRIBUTION LIMITS AND REPORTING; AND TO MANDATE AND APPROPRIATE FUNDS FOR A STUDY OF LOCAL PUBLIC CAMPAIGN FINANCING PROGRAMS.

Referred to **Judiciary I Committee**.

By Senator Gulley:

S.B. 761, A BILL TO BE ENTITLED AN ACT TO EXTEND TO ALL FELONIES THE ADDITIONAL PUNISHMENT FOR THE POSSESSION, DISPLAY, OR DISCHARGE OF A FIREARM DURING THE COMMISSION OF A FELONY AND TO INCREASE THE LENGTH OF ADDITIONAL PUNISHMENT.

Referred to **Judiciary I Committee**.

By Senator Gulley:

S.B. 762, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT REGIONAL PUBLIC TRANSPORTATION AUTHORITIES AND REGIONAL TRANSPORTATION AUTHORITIES ARE INCLUDED IN THE STATE TORT CLAIMS ACT.

Referred to **Judiciary I Committee**.

By Senators Gulley; and Lucas:

S.B. 763, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA CLEAN VEHICLES PROGRAM.

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

By Senators Gulley; and Lucas:

S.B. 764, A BILL TO BE ENTITLED AN ACT TO PROHIBIT CONVICTED FELONS FROM POSSESSING ALL TYPES OF FIREARMS AND TO DELETE THE EXCEPTION THAT PERMITS CONVICTED FELONS TO POSSESS FIREARMS IN THEIR HOMES OR BUSINESSES.

Referred to **Judiciary I Committee**.

By Senator Thomas:

S.B. 765, A BILL TO BE ENTITLED AN ACT TO LIMIT THE AREA OF WESTERN CORE SOUND THAT MAY BE LEASED FOR THE CULTIVATION OF SHELLFISH AND TO DIRECT THE DIVISION OF MARINE FISHERIES TO REPORT TO THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE ON THE IMPLEMENTATION OF THIS ACT.

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

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By Senator Thomas:

S.B. 766, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A UNIFORM STATEWIDE PRETRIAL RELEASE PROGRAM.

Referred to **Judiciary II Committee**.

By Senators Apodaca; and Garwood:

S.B. 767, A BILL TO BE ENTITLED AN ACT PROHIBITING OFFICERS AND EMPLOYEES OF THE STATE AND ITS POLITICAL SUBDIVISIONS FROM REQUIRING CONSTRUCTION CONTRACT BIDDERS TO OBTAIN SURETY BONDS FROM SURETIES OR PRODUCERS DESIGNATED BY THE OFFICERS AND EMPLOYEES.

Referred to **Commerce Committee**.

By Senators Bingham; Allran and Kinnaird:

S.J.R. 768, A JOINT RESOLUTION TO AUTHORIZE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY PURCHASING SCHOOL BUSES THAT WILL BE ALTERNATIVE-FUEL OR LOW-EMISSION VEHICLES.

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

By Senator Thomas:

S.B. 769, A BILL TO BE ENTITLED AN ACT TO ESTABLISH RATE SETTING AND RATE-APPROVAL METHODS FOR THE BEACH PLAN HOMEOWNERS POLICY AND TO PROVIDE INCENTIVES TO BEACH AND COASTAL AREA HOMEOWNERS WHO ESTABLISH AND MAINTAIN RISK PREVENTION AND RISK MITIGATION MEASURES.

Referred to **Commerce Committee**.

By Senator Thomas:

S.B. 770, A BILL TO BE ENTITLED AN ACT TO REQUIRE A MOTOR VEHICLE INSURER TO DISCLOSE ANY FINANCIAL INTEREST IN A RECOMMENDED REPAIR FACILITY OR SERVICE.

Referred to **Commerce Committee**.

By Senator Thomas:

S.B. 771, A BILL TO BE ENTITLED AN ACT TO LIMIT THE USE OF A PERSON'S CREDIT HISTORY FOR DISCOUNTING RATES ON AUTOMOBILE AND HOMEOWNERS' INSURANCE AND TO PROHIBIT THE USE OF A PERSON'S CREDIT HISTORY AS A SOLE BASIS FOR TERMINATING INSURANCE COVERAGE, CEDING AN AUTOMOBILE INSURANCE POLICY TO THE REINSURANCE FACILITY, OR SUBJECTING A POLICY TO CONSENT TO RATE.

Referred to **Commerce Committee**.

By Senator Allran:

S.B. 772, A BILL TO BE ENTITLED AN ACT TO REPEAL THE EXCEPTION TO THE LAW GOVERNING PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS THAT ALLOWS RETAILERS WHO ARE NOT LICENSED AS PLUMBING, HEATING, OR FIRE SPRINKLER CONTRACTORS TO SELL

GOODS AND SERVICES TO BE INSTALLED BY LICENSEES.

Referred to **Judiciary I Committee**.

By Senators Dalton; Garrou and Sloan:

S.B. 773, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COMMUNITY COLLEGES TO ENTER INTO PUBLIC/PRIVATE PARTNERSHIPS FOR CONSTRUCTION PROJECTS.

Referred to **Commerce Committee**.

By Senators Dalton; and Lucas:

S.B. 774, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DUTIES OF OPERATORS OF SKATEBOARD PARKS, TO ESTABLISH THE DUTIES OF PERSONS WHO ENGAGE IN CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES, AND TO LIMIT THE LIABILITY OF GOVERNMENTAL ENTITIES FOR DAMAGE OR INJURIES THAT ARISE OUT OF A PERSON'S PARTICIPATION IN CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES AND THAT OCCUR IN AN AREA DESIGNATED FOR CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES.

Referred to **Judiciary II Committee**.

By Senators Dalton, Hartsell; and Lucas:

S.B. 775, A BILL TO BE ENTITLED AN ACT TO CONDITIONALLY REQUIRE INSURERS TO PROVIDE INFORMATION REGARDING POLICY PROVISIONS AND POLICY LIMITS PRIOR TO LITIGATION WHEN REQUESTED IN WRITING BY THE PERSONS WHO HAVE CLAIMS, OTHER THAN MEDICAL MALPRACTICE CLAIMS, SUBJECT TO INSURANCE POLICIES AND TO GIVE THESE INSURERS THE OPTION OF INITIATING PRELITIGATION MEDIATION OF THE CLAIMS.

Referred to **Commerce Committee**.

By Senators Dalton, Clodfelter; Ballantine, Bingham, Hartsell, Hoyle, Lucas, Smith and Stevens:

S.B. 776, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF EMPLOYEE UNDER THE WORKERS' COMPENSATION ACT.

Referred to **Judiciary I Committee**.

By Senators Foxx, Hoyle, Sloan; Apodaca, Berger, Carpenter, Forrester, Garwood, Kerr, Metcalf, Moore, Rucho and Shaw:

S.B. 777, A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW WITH REGARD TO THE MANUFACTURE, SALE, AND DISTRIBUTION OF TRAILERS AND SEMITRAILERS.

Referred to **Commerce Committee**.

By Senators Dannelly; Clodfelter, Dorsett, Holloman, Lucas, Malone, Metcalf and Moore:

S.B. 778, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ADOLESCENT PARENTING, ADOLESCENT PREGNANCY

PREVENTION, AND OUT-OF-WEDLOCK BIRTH PROGRAMS.

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

By Senators Dannelly; Holloman and Lucas:

S.B. 779, A BILL TO BE ENTITLED AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO SET THE FIRST INSTRUCTIONAL DAY OF THE SCHOOL YEAR AFTER LABOR DAY.

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

By Senators Dannelly; Clodfelter, Dorsett, Holloman, Lucas, Malone, Metcalf and Moore:

S.B. 780, A BILL TO BE ENTITLED AN ACT TO FULLY FUND REGIONAL PROFESSIONAL DEVELOPMENT CENTERS.

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

By Senators Dannelly; Clodfelter, Dorsett, Lucas, Malone, Metcalf and Moore:

S.B. 781, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT TEACHERS ARE NOT PENALIZED FOR TAKING PERSONAL LEAVE.

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

By Senators Dannelly; Clodfelter, Dorsett, Lucas, Malone, Metcalf and Moore:

S.B. 782, A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH BENEFIT PLANS TO COVER MEDICALLY NECESSARY EARLY INTERVENTION SERVICES FOR CHILDREN FROM BIRTH TO THREE YEARS OF AGE WHO ARE COVERED UNDER THE PLAN.

Referred to **Commerce Committee**.

By Senators Garwood; Albertson, Allran, Apodaca, Bingham, Carrington, Forrester, Foxx, Lucas, Metcalf, Stevens and Tillman:

S.B. 783, A BILL TO BE ENTITLED AN ACT TO PROHIBIT STUDENTS FROM DROPPING OUT OF SCHOOL BEFORE THE AGE OF SEVENTEEN.

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

By Senators Hartsell, Garrou, Berger, Hagan, Horton; and Rand:

S.B. 784, A BILL TO BE ENTITLED AN ACT CONCERNING BONDING OF CERTAIN JUDGMENTS.

Referred to **Judiciary II Committee**.

By Senators Hartsell, Metcalf; Hoyle and Rand:

S.B. 785, A BILL TO BE ENTITLED AN ACT TO ADOPT THE NAIC MODEL STANDARD NONFORFEITURE LAW FOR INDIVIDUAL DEFERRED ANNUITIES.

Referred to **Commerce Committee**.

By Senator Reeves:

S.B. 786, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN THE PROPERTY OF A RESIDENT OF A STATE INSTITUTION UNDER THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IS LOST, DESTROYED, OR OTHERWISE DAMAGED THROUGH NEGLIGENT

HANDLING BY THE INSTITUTION, THE INSTITUTION MAY MAKE DIRECT PAYMENT OR PROVIDE REPLACEMENT OF THE ITEM TO THE RESIDENT WITHOUT RECOURSE TO THE TORT CLAIMS PROCESS IF THE AMOUNT OF DAMAGES IS LESS THAN FIVE HUNDRED DOLLARS.

Referred to **Judiciary I Committee**.

By Senators Reeves; Bingham, Dalton and Kerr:

S.B. 787, A BILL TO BE ENTITLED AN ACT TO PROHIBIT LIMITING THE QUANTITY OF MOTOR FUEL SOLD OR OFFERED FOR SALE UNDER THE MOTOR FUEL MARKETING ACT.

Referred to **Commerce Committee**.

By Senator Reeves:

S.B. 788, A BILL TO BE ENTITLED AN ACT AMENDING CHAPTER 126 OF THE GENERAL STATUTES, THE STATE PERSONNEL ACT.

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

By Senators Tillman; and Brock:

S.B. 789, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PRACTICES OF INSURANCE COMPANIES WITH REGARD TO MOTOR VEHICLE REPAIRS ARE UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE TRADE PRACTICES.

Referred to **Commerce Committee**.

By Senator Queen:

S.B. 790, A BILL TO BE ENTITLED AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO STUDY METHODS FOR ENHANCING TROUT FISHING IN WESTERN NORTH CAROLINA.

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

By Senator Queen:

S.B. 791, A BILL TO BE ENTITLED AN ACT TO FURTHER PROMOTE FARMLAND AND FORESTLAND PRESERVATION.

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

By Senator Queen:

S.B. 792, A BILL TO BE ENTITLED AN ACT TO PROVIDE INCENTIVES SUCH AS SCHOLARSHIPS, LOAN FORGIVENESS, AND EARLY ADMISSIONS PROGRAMS TO KEEP THE BEST AND BRIGHTEST STUDENTS IN THE STATE.

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

By Senator Queen:

S.B. 793, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NONRESIDENT BEAR/WILD BOAR DOG-HUNTING SPECIAL ACTIVITY LICENSE.

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

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By Senator Queen:

S.B. 794, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE SYSTEM FOR COLLECTING LOCAL PROPERTY TAXES ON MOTOR VEHICLES.

Referred to **Finance Committee**.

By Senator Queen:

S.B. 795, A BILL TO BE ENTITLED AN ACT TO MODIFY CHARACTER EDUCATION IN KINDERGARTEN THROUGH TWELFTH GRADE TO INCLUDE AN ANTIVIOLENCE MESSAGE AND A CONFLICT RESOLUTION COMPONENT.

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

By Senators Stevens; Malone and Smith:

S.B. 796, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCEDURE FOR RESOLUTION OF DISPUTES BETWEEN BOARDS OF EDUCATION AND BOARDS OF COUNTY COMMISSIONERS.

Referred to **Judiciary I Committee**.

By Senator Kinnaird:

S.B. 797, 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**.

By Senator Kinnaird:

S.B. 798, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CITIES AND COUNTIES TO ENACT ORDINANCES PROHIBITING DISCRIMINATION.

Referred to **Judiciary II Committee**.

By Senators Hoyle; and Bingham:

S.B. 799, A BILL TO BE ENTITLED AN ACT TO REQUIRE TELEPHONE SOLICITORS, WHEN THE TELEPHONE SOLICITOR HAS PREVIOUSLY OBTAINED AN ACCOUNT NUMBER, TO OBTAIN WRITTEN OR VERBAL CONSENT BEFORE CAUSING A NEW CHARGE TO THE ACCOUNT.

Referred to **Commerce Committee**.

By Senator Hoyle:

S.B. 800, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM FEES THAT THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS MAY ASSESS.

Referred to **Finance Committee**.

By Senator Hoyle:

S.B. 801, A BILL TO BE ENTITLED AN ACT PROHIBITING EXCLUSIVE TELECOMMUNICATIONS SERVICE PROVIDER AGREEMENTS OR ARRANGEMENTS.

Referred to **Commerce Committee**.

By Senator Soles:

S.B. 802, A BILL TO BE ENTITLED AN ACT TO REDUCE THE COSTS OF MEDICAL MALPRACTICE ACTIONS BY LIMITING THE NUMBER OF EXPERT MEDICAL WITNESSES AND BY LIMITING DISCOVERY.

Referred to **Select Committee on Insurance and Civil Justice Reform**.

By Senators Rand; and Metcalf:

S.B. 803, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NONPROFIT ORGANIZATIONS TO OPERATE "CASINO NIGHTS".

Referred to **Commerce Committee**.

By Senator Rand:

S.B. 804, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE DRIVERS LICENSES VALID FOR UP TO EIGHT YEARS AND TO ISSUE REGISTRATION PLATES VALID FOR UP TO TWO YEARS AS RECOMMENDED BY THE GOVERNOR'S EFFICIENCY COMMISSION.

Referred to **Finance Committee**.

By Senator Rand:

S.B. 805, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CONSOLIDATION OF ADMINISTRATIVE FUNCTIONS WITHIN STATE GOVERNMENT, AS RECOMMENDED BY THE GOVERNOR'S COMMISSION TO PROMOTE GOVERNMENT EFFICIENCY AND SAVINGS ON STATE SPENDING.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senator Rand:

S.B. 806, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE RIGHTS OF STATE EMPLOYEES AFFECTED BY REDUCTIONS IN FORCE.

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

By Senator Rand:

S.B. 807, A BILL TO BE ENTITLED AN ACT IMPLEMENTING A RECOMMENDATION OF THE GOVERNOR'S COMMISSION TO PROMOTE GOVERNMENT EFFICIENCY AND SAVINGS ON STATE SPENDING TO COMBINE STATE WORKPLACE SAFETY PROGRAMS.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senator Rand:

S.B. 808, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CONSOLIDATION OF ADMINISTRATIVE FUNCTIONS WITHIN STATE GOVERNMENT, AS RECOMMENDED BY THE GOVERNOR'S EFFICIENCY COMMISSION.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

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By Senator Rand:

S.B. 809, A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF ADMINISTRATION TO REVIEW ITS INVENTORY OF STATE-OWNED PROPERTY AND RECOMMEND PROPERTY THAT SHOULD BE SOLD OR LEASED TO THE PRIVATE SECTOR.

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

By Senator Rand:

S.B. 810, A BILL TO BE ENTITLED AN ACT TO FACILITATE THE FORMATION OF ADDITIONAL PUBLIC DEFENDER OFFICES THROUGHOUT THE STATE, AS RECOMMENDED BY THE GOVERNOR'S COMMISSION TO PROMOTE GOVERNMENT EFFICIENCY AND SAVINGS ON STATE SPENDING.

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

By Senator Rand:

S.B. 811, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PLANNING AND DEVELOPMENT OF THE CAPE FEAR RIVER FRESHWATER AQUARIUM.

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

By Senator Rand:

S.B. 812, A BILL TO BE ENTITLED AN ACT TO DIMINISH THE IMPACT OF ELIGIBILITY FOR A DRIVING ELIGIBILITY CERTIFICATE ON THE RATING AND UNDERWRITING OF MOTOR VEHICLE INSURANCE COVERAGE.

Referred to **Commerce Committee**.

By Senator Rand:

S.B. 813, A BILL TO BE ENTITLED AN ACT RELATING TO THE RECOMMENDATIONS OF THE GOVERNOR'S COMMISSION TO PROMOTE GOVERNMENT EFFICIENCY AND SAVINGS ON STATE SPENDING RELATING TO A FEE FOR THE STATEWIDE ACCOUNTS RECEIVABLE PROGRAM.

Referred to **Commerce Committee**.

By Senator Rand:

S.B. 814, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Rand:

S.B. 815, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Rand:

S.B. 816, A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATE HEALTH PLAN.

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

By Senator Rand:

S.B. 817, A BILL TO BE ENTITLED AN ACT TO ALLOW RETIREES WITH SPECIAL EXPERTISE TO RETIRE UNDER A DEFERRED RETIREMENT OPTION PROGRAM, AS RECOMMENDED BY THE GOVERNOR'S COMMISSION TO PROMOTE GOVERNMENT EFFICIENCY AND SAVINGS ON STATE SPENDING.

Referred to **State Government, Local Government, and Veterans' Affairs Committee** and upon a favorable report, re-referred to the **Pensions & Retirement and Aging Committee**.

By Senator Rand:

S.B. 818, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND IMPLEMENT ECONOMIC INITIATIVES.

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

By Senator Rand:

S.B. 819, A BILL TO BE ENTITLED AN ACT REGARDING THE USE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC DISTRICT.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senator Rand:

S.B. 820, A BILL TO BE ENTITLED AN ACT TO LIMIT THE LIABILITY FOR PERSONS PROVIDING VOLUNTEER ASSISTANCE OR CARE.

Referred to **Select Committee on Insurance and Civil Justice Reform**.

By Senators Rand; and Garrou:

S.B. 821, A BILL TO BE ENTITLED AN ACT TO EFFECTUATE THE RECOMMENDATIONS OF THE GOVERNOR'S EFFICIENCY STUDY COMMISSION.

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

By Senator Albertson:

S.B. 822, A BILL TO BE ENTITLED AN ACT TO LIMIT THE AREA OF IMPERVIOUS SURFACE OF CERTAIN PARKING LOTS.

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

By Senator Albertson:

S.B. 823, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES.

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

By Senator Albertson:

S.B. 824, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS.

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

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By Senator Albertson:

S.B. 825, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTERS 143 AND 143B OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO THE ENVIRONMENT.

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

By Senator Albertson:

S.B. 826, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 130A OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO ENVIRONMENTAL HEALTH.

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

By Senator Albertson:

S.B. 827, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 130A OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO ENVIRONMENTAL HEALTH.

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

By Senator Albertson:

S.B. 828, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FARM FUTURES PILOT PROGRAM THAT PROMOTES COLLABORATIVE EFFORTS AMONG FEDERAL AND STATE AGENCIES, UNIVERSITIES, NONGOVERNMENTAL ORGANIZATIONS, PRIVATE ENTERPRISE, AND LANDOWNERS TO PROTECT AND ENHANCE WORKING FARMS FOR PURPOSES OF SUPPORTING RURAL COMMUNITIES, PRODUCING SAFE AND HEALTHY FOOD AND FIBER, PROTECTING HABITAT FOR ENDANGERED AND OTHER WILDLIFE AND PLANT SPECIES, PRESERVING OPEN SPACE, IMPROVING WATER QUALITY AND GROUNDWATER RECHARGE, AND INCREASING ECONOMIC OPPORTUNITIES FOR EXISTING AND NEW FARM FAMILIES.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Albertson:

S.B. 829, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTERS 105 AND 143 OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO INCENTIVES TO ENCOURAGE STORMWATER CONTROL.

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

By Senator Albertson:

S.B. 830, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A VIOLATION POINTS SYSTEM FOR MARINE FISHERIES LICENSES.

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

By Senator Albertson:

S.B. 831, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IMPROVED STAGGERED TERMS OF THE MEMBERS OF THE CLEAN WATER MANAGEMENT FUND BOARD OF TRUSTEES, TO INCREASE THE NUMBER OF MEMBERS OF THE BOARD, AND TO MAKE APPOINTMENTS

TO THE BOARD.

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

By Senators Albertson; and Smith:

S.J.R. 832, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY METHODS OF PROVIDING ASSISTANCE TO NORTH CAROLINA DAIRY FARMERS.

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

By Senator Albertson:

S.B. 833, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 106 OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO AGRICULTURE.

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

By Senator Albertson:

S.B. 834, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 106 OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO AGRICULTURE.

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

By Senator Albertson:

S.B. 835, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTERS 113 AND 113A OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO NATURAL RESOURCES.

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

By Senator Albertson:

S.B. 836, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTERS 113 AND 113A OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO NATURAL RESOURCES.

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

By Senator Albertson:

S.B. 837, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTERS 143 AND 143B OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO THE ENVIRONMENT.

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

By Senator Albertson:

S.B. 838, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE FISHERIES DIRECTOR TO ISSUE PROCLAMATIONS THAT BECOME EFFECTIVE IMMEDIATELY UPON ISSUANCE AND TO MAKE OTHER TECHNICAL, CLARIFYING, AND CONFORMING CHANGES.

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

By Senator Queen:

S.B. 839, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MUNICIPAL COMMUNITY BUILDINGS ARE EXEMPT FROM RULES

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GOVERNING FOOD HANDLING ESTABLISHMENTS UNDER CERTAIN CIRCUMSTANCES.

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

By Senators Queen, Carpenter; Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein:

S.B. 840, A BILL TO BE ENTITLED AN ACT TO ADOPT FOLKMOOT USA AS NORTH CAROLINA'S OFFICIAL INTERNATIONAL FESTIVAL.

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

By Senators Shubert, Weinstein, Ballantine, Rucho; Apodaca, Pittenger and Purcell:

S.B. 841, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PROSPERITY OF THE PEOPLE OF THE STATE OF NORTH CAROLINA BY ACCELERATING THE COMPLETION OF AN INTERSTATE QUALITY HIGHWAY ALONG THE GENERAL ROUTE OF U.S. HIGHWAY 74 LINKING ASHEVILLE TO CHARLOTTE TO WILMINGTON.

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

By Senators Shubert; and Brock:

S.B. 842, A BILL TO BE ENTITLED AN ACT REQUIRING CERTAIN PHARMACIES TO PROVIDE PRESCRIPTION DRUG DISCOUNTS TO CERTAIN INDIVIDUALS.

Referred to **Commerce Committee.**

By Senator Shubert:

S.B. 843, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT PARENTS RECEIVE A MARKED COPY OF TESTS TAKEN BY THEIR CHILDREN UNDER THE STATEWIDE TESTING PROGRAM.

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

By Senators Gulley; and Lucas:

S.B. 844, A BILL TO BE ENTITLED AN ACT TO STUDY MAGISTRATE SUPERVISION.

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

By Senators Gulley; and Lucas:

S.B. 845, A BILL TO BE ENTITLED AN ACT TO PROVIDE A STATUTORY FRAMEWORK FOR THE FINANCING OF CAPITAL FACILITIES BY THE STATE, TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE THE CONSTRUCTION OF A NEW PSYCHIATRIC HOSPITAL IN BUTNER, AND TO AUTHORIZE THE ISSUANCE OF SPECIAL OBLIGATION BONDS FOR THE CONSTRUCTION OF THE NEW PSYCHIATRIC HOSPITAL.

Referred to **Finance Committee.**

By Senator Gulley:

S.B. 846, A BILL TO BE ENTITLED AN ACT ENCOURAGING THE USE OF SOLAR ENERGY SYSTEMS AND PROHIBITING ORDINANCES, COVENANTS, AND OTHER RESTRICTIONS THAT UNREASONABLY RESTRICT THE INSTALLATION OR USE OF SUCH SYSTEMS.

Referred to **Commerce Committee**.

By Senator Gulley:

S.B. 847, A BILL TO BE ENTITLED AN ACT TO CLARIFY LATE AND ADMINISTRATIVE FEES CHARGED TO RESIDENTIAL TENANTS.

Referred to **Commerce Committee**.

By Senator Gulley:

S.B. 848, A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA VETERINARY BOARD TO ENTER INTO AGREEMENTS WITH ORGANIZATIONS THAT HAVE DEVELOPED PROGRAMS FOR IMPAIRED VETERINARY PERSONNEL.

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

By Senator Gulley:

S.B. 849, A BILL TO BE ENTITLED AN ACT REQUIRING ELECTRIC UTILITIES TO MAKE NET ENERGY METERING AVAILABLE TO NONUTILITY CUSTOMERS WHO HAVE THEIR OWN ELECTRIC GENERATION FACILITY.

Referred to **Commerce Committee**.

By Senator Metcalf:

S.B. 850, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FIRST-LEVEL EXAMINATIONS BY A LICENSED CLINICAL SOCIAL WORKER FOR OUTPATIENT AND INPATIENT INVOLUNTARY COMMITMENTS UNDER THE MENTAL HEALTH STATUTES.

Referred to **Health and Human Resources Committee**.

By Senator Metcalf:

S.B. 851, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON MAY BE REAPPOINTED TO THE BOARD OF DIRECTORS OF THE ARBORETUM AFTER ONE YEAR'S ABSENCE FROM THE BOARD.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senator Metcalf:

S.B. 852, A BILL TO BE ENTITLED AN ACT TO EXPAND THE ADVANCE HEALTH CARE DIRECTIVES REGISTRY TO INCLUDE A SEPARATE REGISTRY FOR REGISTRATION OF CONSENT FOR ORGAN, TISSUE, OR EYE DONATION; TO ESTABLISH THE LIFE DECISIONS REGISTRY TRUST FUND; TO PROVIDE FOR VOLUNTARY DONATIONS TO THE LIFE DECISIONS REGISTRY TRUST FUND THROUGH INCOME TAX REFUND CONTRIBUTIONS AND THROUGH CONTRIBUTIONS MADE AT THE TIME OF APPLICATION FOR DRIVERS LICENSE AND MOTOR VEHICLE REGISTRATION.

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

By Senators Metcalf; Garwood and Lucas:

S.B. 853, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A PLAN FOR MOVING FACULTY AND PROFESSIONAL STAFF SALARIES IN THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM TO THE NATIONAL AVERAGE.

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

By Senator Metcalf:

S.B. 854, A BILL TO BE ENTITLED AN ACT TO GRANT GREATER CONSUMER PROTECTION TO RESIDENTS OF MANUFACTURED HOUSING IN NORTH CAROLINA.

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

By Senator Metcalf:

S.B. 855, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING THE UNIVERSITY OF NORTH CAROLINA.

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

By Senator Metcalf:

S.B. 856, A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION TO DEVELOP REGULATIONS.

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

By Senators Metcalf; and Garwood:

S.B. 857, A BILL TO BE ENTITLED AN ACT GRANTING LOCAL SCHOOL ADMINISTRATIVE UNITS FLEXIBILITY IN PURCHASING SUPPLIES, EQUIPMENT, AND MATERIALS RELATED TO STUDENT TRANSPORTATION.

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

By Senators Clodfelter; and Gulley:

S.B. 858, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A SYSTEM FOR ALL NORTH CAROLINA ELECTIONS THAT COMPLIES WITH THE HELP AMERICA VOTE ACT AND TO HELP PREVENT DUPLICATE NAMES ON JURY LISTS.

Referred to **Judiciary I Committee**.

By Senators Clodfelter; and Hoyle:

S.B. 859, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ESTABLISHMENT AND PARTICIPATION IN A BI-STATE ADVISORY AND PLANNING AND STUDY COMMISSION FOR THE CATAWBA-WATEREE RIVER BASIN, TO INVITE THE STATE OF SOUTH CAROLINA TO PARTICIPATE IN THE COMMISSION, AND TO APPROPRIATE FUNDS FOR THE ESTABLISHMENT OF SUCH A COMMISSION.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Clodfelter; and Hoyle:

S.B. 860, A BILL TO BE ENTITLED AN ACT DIRECTING THE REVENUE LAWS STUDY COMMITTEE TO STUDY A PROPOSAL TO REFORM AND SIMPLIFY STATE TAXATION OF BUSINESS ENTERPRISES AND APPROPRIATING FUNDS TO THE DEPARTMENT OF REVENUE FOR INFORMATION TECHNOLOGY NECESSARY TO ESTIMATE THE REVENUE IMPACT OF PROPOSALS TO IMPROVE STATE BUSINESS TAXATION.

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

By Senators Clodfelter and Hoyle:

S.B. 861, A BILL TO BE ENTITLED AN ACT TO ADOPT THE INTERNATIONAL BUILDING CODE AS THE STATE BUILDING CODE.

Referred to **Commerce Committee**.

By Senators Clodfelter; and Gulley:

S.B. 862, A BILL TO BE ENTITLED AN ACT RELATING TO PROPERTY TAX VALUATION OF LOW- AND MODERATE-INCOME HOUSING.

Referred to **Finance Committee**.

By Senator Clodfelter:

S.B. 863, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA CLIMATE ACTION REGISTRY.

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

By Senators Clodfelter; and Gulley:

S.B. 864, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PLANNING ACTIVITIES OF RECENTLY CREATED RURAL TRANSPORTATION PLANNING ORGANIZATIONS, TO AUTHORIZE METROPOLITAN PLANNING ORGANIZATIONS IN NONATTAINMENT AREAS TO APPLY FOR STATE FUNDS TO AVOID AIR QUALITY CONFORMITY LAPSES AND TO APPROPRIATE FUNDS FOR THAT PURPOSE, AND TO AUTHORIZE LOCAL GOVERNMENTS IN NONATTAINMENT AREAS TO APPLY FOR PLANNING FUNDS AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

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

By Senator Hagan:

S.B. 865, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE LEGISLATIVE SERVICES COMMISSION TO NAME THE QUADRANTS IN THE LEGISLATIVE BUILDING.

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

By Senator Hagan:

S.B. 866, A BILL TO BE ENTITLED AN ACT TO PROVIDE FULL FOUR-YEAR COLLEGE TUITION GRANTS TO GRADUATES OF THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS WHO ATTEND A STATE UNIVERSITY.

Referred to **Education/Higher Education Committee** and upon a favorable

report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Hagan:

S.B. 867, A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF ARSON OR OTHER UNLAWFUL BURNINGS THAT RESULT IN SERIOUS INJURY TO A FIREFIGHTER.

Referred to **Judiciary II Committee**.

By Senator Hagan:

S.B. 868, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF ASSAULT IN THE PRESENCE OF A CHILD.

Referred to **Judiciary II Committee**.

By Senator Hagan:

S.B. 869, A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA FROM FINANCING, DEVELOPING, OWNING AND OPERATING LODGING FACILITIES, CONFERENCE CENTERS AND GOLF COURSES, EXCEPT UNDER CERTAIN CONDITIONS.

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

By Senator Thomas:

S.B. 870, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE OFFICE OF THE GOVERNOR TO AID IN RESPONDING TO THE BASE REALIGNMENT AND CLOSURE COMMISSION TO PROTECT THE MILITARY AND CIVILIAN JOBS ASSOCIATED WITH THE MILITARY BASES IN OUR STATE.

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

By Senators Thomas; Brock and Sloan:

S.B. 871, A BILL TO BE ENTITLED AN ACT TO WAIVE AN AMOUNT EQUAL TO ONE-THIRD OF THE FUEL TAX COLLECTED ON MILITARY INSTALLATIONS EACH YEAR TO ENABLE THE ARMED FORCES TO IMPROVE QUALITY-OF-LIFE PROGRAMS FOR MILITARY MEMBERS AND THEIR FAMILIES IN NORTH CAROLINA.

Referred to **Finance Committee**.

By Senator Thomas:

S.B. 872, A BILL TO BE ENTITLED AN ACT TO INCREASE PROTECTIONS FOR TELEPHONE SUBSCRIBERS WHO WISH TO STOP UNWANTED TELEPHONE SOLICITATIONS.

Referred to **Commerce Committee**.

By Senator Thomas:

S.B. 873, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE DEVELOPMENT OF THE NORTH CAROLINA HISTORY EDUCATION CENTER AT TRYON PALACE.

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

By Senator Bingham:

S.B. 874, A BILL TO BE ENTITLED AN ACT RELATING TO THE HANDLING OF FIRST-TIME VIOLATIONS OF OCCUPATIONAL HEALTH AND SAFETY REGULATIONS.

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

By Senator Bingham:

S.B. 875, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senators Purcell; and Bingham:

S.B. 876, A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY PRIVATE OR PUBLIC INSTITUTION THAT OFFERS A POSTSECONDARY DEGREE TO PROVIDE MENINGOCOCCAL IMMUNIZATION INFORMATION TO NEWLY ENROLLED STUDENTS IF THE INSTITUTION HAS A RESIDENTIAL CAMPUS.

Referred to **Health and Human Resources Committee**.

By Senator Purcell:

S.B. 877, A BILL TO BE ENTITLED AN ACT TO MAKE IT A FELONY TO KNOWINGLY OPERATE A CHILD CARE FACILITY ILLEGALLY.

Referred to **Judiciary I Committee**.

By Senator Horton:

S.B. 878, A BILL TO BE ENTITLED AN ACT TO ENACT THE FAIR BARGAIN ACT OF 2003 TO ENABLE CERTAIN PARTIES TO REVOKE UNFAIR CONTRACT PROVISIONS WHEN THEY ENTER INTO STANDARD FORM CONTRACTS THAT CONTAIN PROVISIONS THAT MODIFY OR LIMIT THE PARTIES' PROCEDURAL RIGHTS.

Referred to **Judiciary I Committee**.

By Senator Horton:

S.B. 879, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CONFIDENTIAL SETTLEMENTS OF MEDICAL MALPRACTICE ACTIONS ARE VOID.

Referred to **Select Committee on Insurance and Civil Justice Reform**.

By Senator Apodaca:

S.B. 880, A BILL TO BE ENTITLED AN ACT TO ADD PARTICULAR UNIVERSITY FACILITIES AS NONSMOKING AREAS.

Referred to **Health and Human Resources Committee**.

By Senator Hartsell:

S.B. 881, A BILL TO BE ENTITLED AN ACT TO PERMIT PHASE II PAYMENTS UNDER THE NATIONAL TOBACCO GROWER SETTLEMENT TRUST TO BE PAID WITHOUT REOPENING A DECEDENT'S ESTATE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

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

April 3, 2003

By Senators Hartsell; Clodfelter and Rand:

S.B. 882, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROVISIONS RELATING TO THE NORTH CAROLINA MEDICAL BOARD UNDER THE LAWS REGULATING THE PRACTICE OF MEDICINE.

Referred to **Judiciary II Committee**.

By Senator Hartsell:

S.B. 883, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO REGULATE FARMED CERVIDS, TO CHANGE CERTAIN REQUIREMENTS FOR QUALIFYING FOR CAPTIVITY LICENSES FOR CERTAIN DEER, AND TO AUTHORIZE THE INTRASTATE TRANSPORT OF CERTAIN DEER.

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

By Senator Hartsell:

S.B. 884, A BILL TO BE ENTITLED AN ACT TO ESTABLISH WILDLIFE AND OTHER CONSERVATION LAND AS A SPECIAL CLASS OF PROPERTY SUBJECT TO PRESENT-USE VALUE AND TO MAKE OTHER CHANGES REGARDING PRESENT-USE VALUE.

Referred to **Finance Committee**.

By Senators Carpenter; and Brock:

S.B. 885, A BILL TO BE ENTITLED AN ACT TO REQUIRE WINDSHIELDS ON MOTOR VEHICLES.

Referred to **Transportation Committee**.

By Senators Carpenter, Dannelly, Purcell; Queen and Shubert:

S.B. 886, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES TO ALLOW FOR THE OUTDOOR USE DURING THE SCHOOL DAY OF ARTICLES OF SUN-PROTECTIVE CLOTHING AND TO ALLOW PUPILS TO USE SUNSCREEN DURING THE SCHOOL DAY WITHOUT A PHYSICIAN'S NOTE OR PRESCRIPTION.

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

By Senators Carpenter, Dannelly, Purcell; Brock and Queen:

S.B. 887, A BILL TO BE ENTITLED AN ACT TO MANDATE INSURANCE COVERAGE FOR SURVEILLANCE TESTS FOR WOMEN AGE TWENTY-FIVE AND OLDER AND AT RISK FOR OVARIAN CANCER.

Referred to **Commerce Committee**.

By Senator Rucho:

S.B. 888, A BILL TO BE ENTITLED AN ACT TO PROTECT A PROPERTY OWNER WHOSE LAND IS ADJACENT OR DOWNSTREAM FROM A SITE ON WHICH ALTERATIONS OF THE EXISTING FLOW OF STORMWATER WILL OCCUR.

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

By Senator Queen:

S.B. 889, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY WIND ENERGY.

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

By Senator Queen:

S.B. 890, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA BUSINESS INCUBATION AUTHORITY.

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

By Senator Queen:

S.B. 891, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROGRAM FOR STRICT GUIDELINES FOR SAFE CHILD CARE IN THIS STATE.

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

By Senator Queen:

S.B. 892, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SCOPE OF PRACTICE FOR ALTERNATIVE HEALING ARTS AND ALTERNATIVE HEALTH SERVICES.

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

By Senator Queen:

S.B. 893, A BILL TO BE ENTITLED AN ACT RELATING TO AFFORDABLE HOUSING IN NORTH CAROLINA.

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

By Senators Queen and Malone:

S.B. 894, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE HOUSING EQUITY GAP IN THIS STATE.

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

By Senator Queen:

S.B. 895, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATING TO ARCHITECTURE TO FACILITATE NORTH CAROLINA ARCHITECTURE BY NORTH CAROLINA ARCHITECTS.

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

By Senator Queen:

S.B. 896, A BILL TO BE ENTITLED AN ACT CREATING THE NORTH CAROLINA COMMISSION FOR URBAN CORES.

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

By Senator Queen:

S.B. 897, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM PRIOR AUTHORIZATION REQUIREMENTS FOR PRESCRIPTION DRUGS UNDER THE MEDICAID PROGRAM ANTIHEMOPHILIC DRUGS PRESCRIBED FOR THE TREATMENT OF HEMOPHILIA AND BLOOD DISORDERS.

Referred to **Health and Human Resources Committee**.

By Senator Webster:

S.B. 898, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PRODUCTION AND SALE OF DOMESTICATED RABBIT.

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

By Senators Webster; and Brock:

S.B. 899, A BILL TO BE ENTITLED AN ACT TO REPEAL AN EXCEPTION TO THE LICENSING LAW FOR PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS THAT ALLOWS RETAILERS TO SELL GOODS AND SERVICES TO BE INSTALLED BY A LICENSEE WITHOUT REQUIRING THE RETAILER TO BE LICENSED AS A PLUMBING, HEATING, OR FIRE SPRINKLER CONTRACTOR.

Referred to **Judiciary I Committee**.

By Senator Webster:

S.B. 900, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTIES FOR VIOLATIONS REGARDING TELEPHONE SOLICITATIONS.

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

By Senator Webster:

S.B. 901, A BILL TO BE ENTITLED AN ACT TO PROTECT THE RIGHT OF FREEDOM OF SPEECH, TO PETITION GOVERNMENT, AND ENSURE ACCESS TO PUBLIC DELIBERATIONS BY PUBLIC BODIES BY CREATING A SPECIAL MOTION TO STRIKE IN CIVIL PROCEEDINGS.

Referred to **Judiciary II Committee**.

By Senator Queen:

S.B. 902, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE HONORARY LISTON B. RAMSEY MOUNTED HORSE/CAISSON PATROL UNIT.

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

By Senator Queen:

S.B. 903, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA DEPARTMENT OF VETERANS AFFAIRS.

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

By Senator Queen:

S.B. 904, A BILL TO BE ENTITLED AN ACT TO CORRECT PROBLEMS THAT PREVENT THE RESEARCH AND DEVELOPMENT TAX CREDIT FROM APPLYING CONSISTENTLY TO TAXPAYERS INCREASING THEIR RESEARCH AND DEVELOPMENT IN THIS STATE.

Referred to **Finance Committee**.

By Senator Queen:

S.B. 905, A BILL TO BE ENTITLED AN ACT AMENDING THE STATE WAGE AND HOUR ACT TO INCREASE THE STATE MINIMUM WAGE.

Referred to **Commerce Committee**.

By Senator Queen:

S.B. 906, A BILL TO BE ENTITLED AN ACT TO EXCLUDE FROM INCOME TAX CERTAIN GAINS FROM INVESTMENTS IN QUALIFIED SMALL BUSINESSES.

Referred to **Finance Committee**.

By Senators Hartsell and Weinstein:

S.B. 907, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CERTIFICATION OF WASTEWATER SITE EVALUATORS.

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

By Senator Hartsell:

S.B. 908, A BILL TO BE ENTITLED AN ACT TO PROTECT GROUNDWATER AS A CURRENT AND FUTURE WATER RESOURCE AND TO ENCOURAGE REDEVELOPMENT OF BROWNFIELDS SITES.

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

By Senators Clodfelter and Reeves:

S.B. 909, A BILL TO BE ENTITLED AN ACT TO MODIFY THE FUNDING FORMULA FOR STUDENTS WITH LIMITED ENGLISH PROFICIENCY.

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

By Senator Clodfelter:

S.B. 910, A BILL TO BE ENTITLED AN ACT INCREASING THE EFFICIENCY OF GUARANTEED ENERGY SAVINGS CONTRACTS FOR STATE GOVERNMENTAL UNITS.

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

By Senator Clodfelter:

S.B. 911, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ENFORCEMENT OF VARIOUS ENVIRONMENTAL LAWS.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Clodfelter:

S.B. 912, A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF SEXUAL BATTERY.

Referred to **Judiciary I Committee**.

By Senators Clodfelter, Hoyle and Queen:

S.B. 913, A BILL TO BE ENTITLED AN ACT TO STREAMLINE BUILDING CODE ADOPTION FOR GENERAL AND RESIDENTIAL CONSTRUCTION AND THE REVIEW PROCESS FOR STATE CAPITAL IMPROVEMENT PROJECTS.

Referred to **Commerce Committee**.

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By Senator Clodfelter:

S.B. 914, A BILL TO BE ENTITLED AN ACT TO CLARIFY, SIMPLIFY, AND MODERNIZE CITY AND COUNTY PLANNING AND LAND-USE MANAGEMENT AUTHORITY.

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

By Senator Clodfelter:

S.B. 915, A BILL TO BE ENTITLED AN ACT TO RAISE THE EXCISE TAX ON CIGARETTES AND TO PHASE OUT THE COUNTY SHARE OF MEDICAID COSTS.

Referred to **Finance Committee**.

By Senator Clodfelter:

S.B. 916, A BILL TO BE ENTITLED AN ACT TO ESTABLISH CIVIL NO-CONTACT ORDERS FOR THE PROTECTION OF INDIVIDUALS WHO ARE VICTIMS OF SEXUAL ASSAULT.

Referred to **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 917, A BILL TO BE ENTITLED AN ACT TO RAISE THE EXCISE TAX ON CIGARETTES; TO STREAMLINE THE TAXATION OF LIQUOR AND CHANGE THE DISTRIBUTION OF EXCISE TAXES ON ALCOHOL; AND TO PHASE OUT THE COUNTY SHARE OF MEDICAID COSTS.

Referred to **Finance Committee**.

By Senator Clodfelter:

S.B. 918, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONTINUE ASSISTANT DISTRICT ATTORNEY POSITIONS IN PROSECUTORIAL DISTRICT 26.

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

By Senator Rand:

S.B. 919, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE SAFETY OF VICTIMS IN SERIOUS DOMESTIC VIOLENCE CASES.

Referred to **Judiciary I Committee**.

By Senator Rand:

S.B. 920, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT THE NORTH CAROLINA CANCER CENTER REPLACEMENT HOSPITAL.

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

By Senator Rand:

S.B. 921, A BILL TO BE ENTITLED AN ACT TO CONTRIBUTE TO THE PREVENTION OF WORKPLACE VIOLENCE.

Referred to **Judiciary I Committee**.

By Senator Rand:

S.B. 922, A BILL TO BE ENTITLED AN ACT TO REGULATE PERSONS WHO ENGAGE IN PRACTICE AS PARALEGALS.

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

By Senator Rand:

S.B. 923, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX INCENTIVE FOR CONTRIBUTIONS TO THE COLLEGE VISION FUND.

Referred to **Finance Committee**.

By Senator Rand:

S.J.R. 924, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE MORE THAN FOUR HUNDRED BOARDS AND COMMISSIONS IN THIS STATE TO DETERMINE IF THERE IS A NEED TO REDUCE THE SIZE OR SCOPE OR ABOLISH ANY OF THESE BOARDS OR COMMISSIONS.

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

By Senators Rand and Hartsell:

S.B. 925, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS TO PREVENT SECURITIES FRAUD AND TO CLARIFY THE PROHIBITION ON STATE CONTRACTS 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.

Referred to **Judiciary II Committee**.

By Senator Rand:

S.B. 926, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LICENSING PROCESS FOR NEW GROUP HOME FACILITIES AND FOR THE REIMBURSEMENT OF EDUCATIONAL COSTS BY THE HOME COUNTY TO THE HOST COUNTY.

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

By Senators Metcalf and Stevens:

S.B. 927, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CERTIFICATION OF ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Shubert; Ballantine and Brock:

S.B. 928, A BILL TO BE ENTITLED AN ACT TO REDUCE THE AMOUNT OF NET CAPITAL GAINS SUBJECT TO STATE INCOME TAX FOR ASSETS ACQUIRED ON OR AFTER JANUARY 1, 2004.

Referred to **Finance Committee**.

April 3, 2003

By Senator Shubert:

S.B. 929, A BILL TO BE ENTITLED AN ACT ENSURING THAT CERTAIN TEACHERS WHO RECEIVE FULL-TIME FELLOWSHIPS TO SUPPORT THEIR INTELLECTUAL AND PROFESSIONAL DEVELOPMENT CONTINUE TO RECEIVE EMPLOYEE BENEFITS FOR THE PERIOD OF THEIR FELLOWSHIPS.

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

By Senators Shubert, Webster; and Brock:

S.B. 930, A BILL TO BE ENTITLED AN ACT ADOPTING THE REPORTING REQUIREMENTS OF THE UNIFORM MANAGEMENT OF PUBLIC EMPLOYEE RETIREMENT SYSTEMS ACT FOR ALL RETIREMENT SYSTEMS MANAGED BY THE STATE TREASURER.

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

By Senators Shubert; and Brock:

S.B. 931, A BILL TO BE ENTITLED AN ACT ELIMINATING THE PORTFOLIO REQUIREMENT FOR TEACHER CERTIFICATION.

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

By Senator Shubert:

S.B. 932, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PERTAINING TO THE CHARTER SCHOOL ADVISORY COMMITTEE.

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

By Senators Hargett; Apodaca, Holloman, Stevens and Tillman:

S.B. 933, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AND LOCAL GOVERNMENT AGENCIES THAT ACQUIRE LAND FOR WETLANDS MITIGATION TO REIMBURSE THE COUNTY IN WHICH THE LAND IS LOCATED FOR ITS LOST TAXES DUE TO THE ACQUISITION.

Referred to **Finance Committee**.

By Senator Kerr:

S.B. 934, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A REGISTRATION FEE FOR THE AUTHORIZATION OF A PRIVATE FACILITY TO SERVE DWI OFFENDERS.

Referred to **Finance Committee**.

By Senator Kerr:

S.B. 935, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MILITARY DRIVERS LICENSE EXPIRATION PROCEDURE WITHIN THE DIVISION OF MOTOR VEHICLES.

Referred to **Transportation Committee**.

By Senator Kerr:

S.B. 936, A BILL TO BE ENTITLED AN ACT TO WAIVE VARIOUS DEADLINES, FEES, AND PENALTIES FOR DEPLOYED MILITARY PERSONNEL.

Referred to **Finance Committee**.

By Senator Kerr:

S.B. 937, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING WATER AND SEWER AND TO PROVIDE ADEQUATE FUNDING FOR WATER AND SEWER.

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

By Senator Kerr:

S.B. 938, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF THE DEATH BENEFIT PAID WHEN A LAW ENFORCEMENT OFFICER, FIREFIGHTER, RESCUE SQUAD WORKER, OR SENIOR CIVIL AIR PATROL MEMBER IS KILLED IN THE LINE OF DUTY.

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

By Senator Kerr:

S.B. 939, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SURCHARGE FOR THE TELECOMMUNICATIONS RELAY SERVICE TO INCLUDE WIRELESS COMMUNICATIONS.

Referred to **Finance Committee**.

By Senator Kerr:

S.B. 940, A BILL TO BE ENTITLED AN ACT TO PROVIDE JOB PROTECTION FOR VOLUNTEER FIREFIGHTERS, RESCUE SQUAD WORKERS, AND EMERGENCY MEDICAL SERVICES PERSONNEL CALLED INTO THE SERVICE OF THE STATE IN RESPONSE TO A PROCLAMATION OF A STATE OF DISASTER BY THE GOVERNOR OR THE GENERAL ASSEMBLY, OR IN RESPONSE TO AN EMERGENCY SITUATION RESULTING IN THE ACTIVATION OF THE STATE EMERGENCY RESPONSE TEAM.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

By Senator Allran:

S.B. 941, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE MEDICAL MALPRACTICE INSURANCE CRISIS TASK FORCE.

Referred to **Select Committee on Insurance and Civil Justice Reform**.

By Senators Allran, Carpenter, Foxx, Tillman; and Brock:

S.B. 942, A BILL TO BE ENTITLED AN ACT TO EXTEND CONSCIENCE PROTECTION TO PHARMACISTS AND OTHER HEALTH CARE PROVIDERS WHO REFUSE TO PARTICIPATE IN OR DISPENSE ABORTIFACIENTS ON MORAL GROUNDS.

Referred to **Health and Human Resources Committee**.

By Senators Hoyle; and Blake:

S.B. 943, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO ASSIST WITH BIOMANUFACTURING CONSTRUCTION FINANCING AND WORKER TRAINING THAT WILL INCREASE THE STATE'S ABILITY TO COMPETE FOR BIOMANUFACTURING MARKETS AND HELP BOOST

FUTURE ECONOMIC GROWTH ACROSS NORTH CAROLINA.

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

By Senators Hoyle; Allran, Pittenger, Sloan, Stevens and Swindell:

S.B. 944, A BILL TO BE ENTITLED AN ACT TO PROVIDE JOBS FOR THE 21ST CENTURY.

Referred to **Finance Committee**.

By Senators Hoyle; Clodfelter, Foxx, Garrou, Rucho, Stevens and Swindell:

S.B. 945, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES SHALL MODIFY THE PERMIT PROCESS FOR CERTAIN AIR QUALITY PERMITS, SHALL CONDUCT A THOROUGH REVIEW OF THE ENVIRONMENTAL PERMIT PROGRAMS TO IDENTIFY IMPEDIMENTS TO THE TIMELY ISSUANCE OF PERMITS BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND SHALL MAKE RECOMMENDATIONS FOR MODIFICATIONS TO THESE PROGRAMS IN ORDER TO ENHANCE ECONOMIC DEVELOPMENT.

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

By Senators Hoyle, Forrester; and Brock:

S.B. 946, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A BREAST CANCER AWARENESS SPECIAL REGISTRATION PLATE.

Referred to **Finance Committee**.

By Senators Hoyle; and Brock:

S.B. 947, A BILL TO BE ENTITLED AN ACT TO PROHIBIT, WHEN CREDIT OR DEBIT CARDS ARE ACCEPTED FOR THE TRANSACTION OF BUSINESS, THE PRINTING OF MORE THAN FIVE DIGITS OF THE CREDIT CARD ACCOUNT NUMBER ON ANY RECEIPT PROVIDED AT THE POINT OF SALE.

Referred to **Commerce Committee**.

By Senators Hoyle; Allran, Foxx, Stevens and Swindell:

S.B. 948, A BILL TO BE ENTITLED AN ACT TO INCREASE THE DEATH BENEFITS UNDER THE LAW-ENFORCEMENT OFFICERS', FIREMENS', RESCUE SQUAD WORKERS', AND CIVIL AIR PATROL MEMBERS' DEATH BENEFITS ACT.

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

By Senator Lucas:

S.B. 949, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ANNUAL BONUS TO HIGH SCHOOL PRINCIPALS IF THE FOUR-YEAR GRADUATION RATE INCREASES BY MORE THAN TEN PERCENT FROM THE PREVIOUS SCHOOL YEAR OR IF THE FOUR-YEAR GRADUATION RATE EXCEEDS EIGHTY PERCENT.

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

By Senators Lucas; Dannelly, Dorsett and Queen:

S.B. 950, A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX INCENTIVES TO PROMOTE PRESERVATION OF OPEN SPACES.

Referred to **Finance Committee**.

By Senators Lucas; Dannelly, Holloman, Moore and Queen:

S.B. 951, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A STUDENT ADVISOR TO EACH LOCAL BOARD OF EDUCATION.

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

By Senators Lucas; Dannelly, Dorsett, Holloman and Queen:

S.B. 952, A BILL TO BE ENTITLED AN ACT TO MAKE NEW CHALLENGE GRANTS AVAILABLE FROM THE DISTINGUISHED PROFESSORS ENDOWMENT TRUST FUND FOR CERTAIN CONSTITUENT INSTITUTIONS.

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

By Senators Lucas; Dannelly, Dorsett and Holloman:

S.B. 953, A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL SCHOOL ADMINISTRATIVE UNITS ADDITIONAL FLEXIBILITY WITH REGARD TO THE USE OF FUNDS FOR MENTORS AND TO PROVIDE FUNDS FOR MENTORS FOR ALL TEACHERS.

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

By Senators Lucas; Dannelly, Dorsett, Holloman and Queen:

S.B. 954, A BILL TO BE ENTITLED AN ACT TO CREATE A NEW, SINGLE FUNDING STREAM TARGETED TO AT-RISK STUDENTS AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

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

By Senators Tillman, Dannelly; Apodaca, Berger, Bingham, Blake, Brock, Carpenter, Dorsett, Garrou, Hargett, Hartsell, Holloman, Lucas, Metcalf, Moore, Pittenger, Queen, Reeves, Sloan and Stevens:

S.B. 955, A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING CONTRACTS FOR SCHOOL PRINCIPALS.

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

By Senators Hartsell, Foxx and Kerr:

S.B. 956, A BILL TO BE ENTITLED AN ACT TO AMEND THE ADMINISTRATIVE PROCEDURE ACT TO REVISE THE PROCEDURE FOR ADOPTING PERMANENT AND TEMPORARY RULES, TO CREATE A PROCEDURE FOR THE ADOPTION OF EMERGENCY RULES, AND TO CLARIFY THE ROLE OF THE RULES REVIEW COMMISSION.

Referred to **Judiciary II Committee**.

By Senators Apodaca, Rand, Tillman; Bingham, Blake, Carpenter, Foxx, Garwood, Hargett, Hartsell, Holloman, Metcalf, Pittenger, Rucho, Shubert, Sloan, Smith and Stevens:

S.B. 957, A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATE

SCHOOL TESTING PROGRAM.

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

By Senators Thomas and Carpenter:

S.B. 958, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE MATCHING FUNDS FOR TWO VETERANS' NURSING HOMES.

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

By Senators Thomas; and Moore:

S.B. 959, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO ADOPT RULES REGARDING MONITORING OF COASTAL RECREATION WATERS IN ORDER TO IMPLEMENT THE FEDERAL BEACHES ENVIRONMENTAL ASSESSMENT AND COASTAL HEALTH ACT OF 2000.

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

By Senator Forrester:

S.B. 960, A BILL TO BE ENTITLED AN ACT TO REPEAL ANTIQUATED LAWS.

Referred to **Judiciary I Committee**.

By Senators Reeves, Ballantine; Garrou, Hoyle and Rand:

S.B. 961, A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX CREDITS FOR RESEARCH AND DEVELOPMENT BY INFORMATION TECHNOLOGY BUSINESSES.

Referred to **Finance Committee**.

By Senators Swindell; Gulley, Metcalf and Thomas:

S.B. 962, A BILL TO BE ENTITLED AN ACT TO REQUIRE BAIL BONDSMEN TO SUBMIT AFFIDAVITS STATING THAT THERE ARE NO PREMIUMS OWED TO FORMER INSURERS AND THAT ALL FORFEITURES OR JUDGMENTS ARE SATISFIED OR DISCHARGED.

Referred to **Judiciary II Committee**.

By Senators Swindell; Apodaca, Gulley, Jenkins, Lucas, Metcalf, Moore, Pittenger, Rand, Reeves and Thomas:

S.B. 963, A BILL TO BE ENTITLED AN ACT TO PROHIBIT SELLERS FROM EXCESSIVELY RAISING PRICES ON THEIR MERCHANDISE DURING DECLARED STATES OF DISASTER.

Referred to **Commerce Committee**.

By Senator Swindell:

S.B. 964, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE COUNCIL FOR THE DEAF AND HARD OF HEARING AND TO CHANGE THE APPOINTING AUTHORITY AND MEMBERSHIP COMPOSITION OF TWO OF THE MEMBERS APPOINTED TO THE COUNCIL.

Referred to **Health and Human Resources Committee**.

By Senator Dalton:

S.B. 965, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE THAT CLEAR PROCEEDS OF ALL CIVIL PENALTIES, CIVIL FORFEITURES, AND CIVIL FINES COLLECTED BY A STATE AGENCY ARE REMITTED TO THE CIVIL PENALTY AND FORFEITURE FUND AND FAITHFULLY USED EXCLUSIVELY FOR MAINTAINING FREE PUBLIC SCHOOLS.

Referred to **Judiciary II Committee**.

By Senators Dalton; and Dorsett:

S.B. 966, A BILL TO BE ENTITLED AN ACT TO REQUIRE INSURERS TO IMPLEMENT SAFEGUARDS FOR THE PROTECTION OF PERSONAL INFORMATION, PURSUANT TO THE PROVISIONS OF THE GRAMM-LEACH-BLILEY ACT.

Referred to **Commerce Committee**.

By Senators Dalton; and Dorsett:

S.B. 967, A BILL TO BE ENTITLED AN ACT TO MAKE SUBSTANTIVE AND TECHNICAL AMENDMENTS IN THE LAWS CONCERNING INSURANCE COMPANY SOLVENCY.

Referred to **Commerce Committee**.

By Senator Kinnaird:

S.J.R. 968, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE FEASIBILITY OF THE STATE PURCHASING PHARMACEUTICALS IN BULK.

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

By Senators Kinnaird; Gulley and Lucas:

S.B. 969, A BILL TO BE ENTITLED AN ACT RELATING TO CRIMINAL PENALTIES FOR PRIVATE SEXUAL ACTIVITY BETWEEN CONSENTING ADULTS.

Referred to **Judiciary II Committee**.

By Senators Kinnaird; Clodfelter, Dorsett, Hagan, Hartsell, Holloman, Malone, Metcalf and Reeves:

S.B. 970, 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.

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

By Senators Kinnaird and Blake:

S.B. 971, A BILL TO BE ENTITLED AN ACT MAKING VOID AND UNENFORCEABLE AS A MATTER OF PUBLIC POLICY ANY PROVISION IN ANY AGREEMENT OR CONTRACT THAT PROHIBITS THE REUSING, REMANUFACTURING, OR REFILLING OF A TONER CARTRIDGE.

Referred to **Commerce Committee**.

April 3, 2003

By Senators Kinnaird, Carpenter, Holloman, Shaw, Clodfelter, Dorsett, Malone, Dannelly, Gulley, Lucas; and Hoyle:

S.B. 972, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TWO YEAR MORATORIUM ON EXECUTIONS.

Referred to **Judiciary I Committee**.

By Senators Jenkins; Dorsett, Hargett, Holloman, Kerr, Lucas, Malone, Moore, Purcell, Rand, Soles, Swindell, Thomas and Weinstein:

S.B. 973, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO CONSTRUCT THE NORTH CAROLINA CARDIOVASCULAR DISEASES INSTITUTE AT EAST CAROLINA UNIVERSITY.

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

By Senator Jenkins:

S.B. 974, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS.

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

By Senators Dorsett; Dannelly, Jenkins, Kinnaird, Lucas, Malone, Metcalf, Moore and Purcell:

S.B. 975, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ACCESSIBLE ELECTRONIC INFORMATION SERVICE FOR BLIND AND DISABLED PERSONS AND TO APPROPRIATE FUNDS FOR THE SERVICE.

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

By Senators Dorsett; Gulley, Holloman, Jenkins, Lucas, Malone, Metcalf and Stevens:

S.B. 976, A BILL TO BE ENTITLED AN ACT TO FURTHER PROTECT CONSUMERS SEEKING ASSISTANCE WITH THEIR DEBTS.

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

By Senators Dorsett; Dannelly, Holloman, Jenkins, Kinnaird, Lucas, Malone, Metcalf, Moore and Purcell:

S.B. 977, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE USE OF RESTRAINTS AND SECLUSION IN PUBLIC SCHOOLS.

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

By Senators Dorsett; Apodaca, Gulley, Hargett, Holloman, Jenkins, Lucas, Malone, Metcalf, Moore, Smith, Stevens and Tillman:

S.B. 978, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE GOVERNOR'S ADVOCACY COUNCIL FOR PERSONS WITH DISABILITIES.

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

By Senator Albertson:

S.B. 979, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH A MEMBER OF THE GENERAL ASSEMBLY IS APPOINTED TO THE ATLANTIC STATES MARINE FISHERIES COMMISSION AND TO MAKE TECHNICAL, CLARIFYING, AND CONFORMING CHANGES.

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

By Senator Albertson:

S.B. 980, A BILL TO BE ENTITLED AN ACT TO PROVIDE A REFUNDABLE TAX CREDIT FOR VOLUNTARY EXPENSES TO REDUCE STORMWATER POLLUTION BEYOND EXPENSES REQUIRED BY LAW.

Referred to **Finance Committee**.

By Senators Metcalf; and Queen:

S.B. 981, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CLEAN AIR TRUST FUND AND TO APPROPRIATE FUNDS TO IT.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Brock; Sloan and Webster:

S.B. 982, A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS TO ESTABLISH OUT-OF-COUNTRY NONRESIDENT TUITION AND TO PROVIDE THAT THE TUITION RATE MUST BE SET AT AN AMOUNT EQUAL TO AT LEAST TWO HUNDRED PERCENT OF THE ACADEMIC COST TO THE STATE.

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

By Senators Brock; and Sloan:

S.B. 983, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT OUT-OF-STATE TUITION MUST BE SET AT A RATE EQUAL TO AT LEAST ONE HUNDRED FIFTY PERCENT OF THE ACADEMIC COST TO THE STATE.

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

By Senators Pittenger; Allran, Apodaca, Ballantine, Berger, Bingham, Blake, Carpenter, Carrington, Dalton, Forrester, Foxx, Garwood, Hartsell, Horton, Kerr, Lucas, Malone, Metcalf, Moore, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Thomas, Tillman, Webster and Weinstein:

S.B. 984, A BILL TO BE ENTITLED AN ACT DIRECTING THE REVENUE LAWS STUDY COMMITTEE TO STUDY A PROPOSAL TO REDUCE UNNECESSARY TAX INCENTIVES AND CUT WASTE AND FRAUD IN GOVERNMENT AND USE THE RESULTING REVENUE TO LOWER PERSONAL AND CORPORATE INCOME TAX RATES.

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

By Senators Pittenger; Allran, Apodaca, Ballantine, Berger, Blake, Carpenter, Carrington, Dalton, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Purcell, Queen, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein:

S.B. 985, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO TEST AVAILABLE SOFTWARE TO IMPROVE MEDICAID FRAUD DETECTION AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THIS PURPOSE.

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

April 3, 2003

By Senators Reeves; Clodfelter and Foxx:

S.B. 986, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO WORK WITH THE DEPARTMENT OF PUBLIC INSTRUCTION AND LOCAL EDUCATION AGENCIES TO ENSURE MAXIMUM FUNDING FOR MEDICAID-RELATED SERVICES FOR ELIGIBLE PUBLIC SCHOOL STUDENTS WITH DISABILITIES.

Referred to **Health and Human Resources Committee**.

By Senators Reeves; Apodaca, Hartsell and Lucas:

S.B. 987, A BILL TO BE ENTITLED AN ACT PROVIDING FOR INCREASED ACCESS TO HIGHER EDUCATION.

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

By Senators Reeves; and Metcalf:

S.B. 988, A BILL TO BE ENTITLED AN ACT TO RAISE THE EXCISE TAX ON CIGARETTES TO PROVIDE FOR A PRESCRIPTION DRUG BENEFIT FOR SENIORS AND TO REDUCE CLASS SIZES.

Referred to **Finance Committee**.

By Senators Reeves; Gulley, Kinnaird and Lucas:

S.B. 989, A BILL TO BE ENTITLED AN ACT TO PROTECT WATER QUALITY AND SEAFOOD HABITATS BY STRENGTHENING THE LAWS REGARDING SEDIMENTATION POLLUTION CONTROL TO REDUCE SEDIMENTATION, THE NUMBER ONE CAUSE OF WATER QUALITY DEGRADATION IN NORTH CAROLINA.

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

By Senator Reeves:

S.B. 990, A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIA ON CONSTRUCTION AND EXPANSION OF SWINE FARMS AND TO PROVIDE FOR CONTROL OF THE DISCHARGE OF PHOSPHORUS FROM POULTRY ANIMAL OPERATIONS.

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

By Senator Reeves:

S.B. 991, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT STATE GOVERNMENT SHALL REQUIRE IN EVERY CONTRACT FOR THE PERFORMANCE OF TELEMARKETING SERVICES PROVISIONS THAT ONLY CITIZENS OF THE UNITED STATES AND PERSONS AUTHORIZED TO WORK IN THE UNITED STATES MAY BE EMPLOYED, AND TO PROVIDE FOR DISCLOSURE OF CERTAIN INFORMATION FROM CUSTOMER SALES AND SERVICE CENTERS.

Referred to **Commerce Committee**.

By Senator Garrou:

S.B. 992, A BILL TO BE ENTITLED AN ACT TO PROTECT THE STATE'S MASTER SETTLEMENT AGREEMENT MONEY.

Referred to **Judiciary I Committee**.

By Senators Garrou; Dalton, Hagan and Stevens:

S.B. 993, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE ABILITY OF THE STATE BOARD OF EDUCATION TO SAFEGUARD SCHOOLCHILDREN THROUGH A COORDINATED PROGRAM OF PROFESSIONAL ETHICS AND DISCIPLINE THAT INCLUDES THE AUTOMATIC REVOCATION OF TEACHER CERTIFICATES UPON CONVICTION OF CERTAIN CRIMES, THE USE OF HEARSAY TESTIMONY IN ADMINISTRATIVE HEARINGS TO REVOKE TEACHER CERTIFICATES, AND THE USE OF INVESTIGATIVE SERVICES AS NEEDED.

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

By Senator Garrou:

S.B. 994, A BILL TO BE ENTITLED AN ACT TO ENABLE LOCAL BOARDS OF EDUCATION TO EXPEL FROM SCHOOL THOSE STUDENTS WHO GIVE AWAY OR SELL ALCOHOLIC BEVERAGES, PRESCRIPTION DRUGS, OR CONTROLLED SUBSTANCES ON SCHOOL PROPERTY.

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

By Senators Garrou and Horton:

S.B. 995, A BILL TO BE ENTITLED AN ACT TO ALLOW FLEXIBILITY IN SCHOOL CONSTRUCTION AND REPAIR CONTRACTS.

Referred to **Commerce Committee**.

By Senator Garrou:

S.B. 996, A BILL TO BE ENTITLED AN ACT TO BAN SEXUALLY EXPLICIT CONDUCT ON PREMISES LICENSED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION.

Referred to **Judiciary I Committee**.

By Senator Shaw:

S.B. 997, A BILL TO BE ENTITLED AN ACT TO SUPPORT OUR TROOPS BY EXEMPTING ACTIVE DUTY PAY FROM INCOME TAX AND PROVIDING WAIVING VARIOUS DEADLINES, FEES, AND PENALTIES FOR DEPLOYED MILITARY PERSONNEL.

Referred to **Finance Committee**.

By Senator Shaw:

S.B. 998, A BILL TO BE ENTITLED AN ACT RELATING TO THE COVERAGE OF SMALL BUSINESSES UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

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

By Senator Shaw:

S.B. 999, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE REGIONAL WATER SUPPLY AUTHORITY TO ASSIST CUMBERLAND COUNTY, MOORE COUNTY, THE CITY OF SHELBY, THE CITY OF STATESVILLE, AND CERTAIN OTHER DROUGHT STRICKEN COMMUNITIES WITH THE DEVELOPMENT AND FUNDING OF REGIONAL

WATER SUPPLY SYSTEMS, TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO CONDUCT AN ENGINEERING STUDY AND REPORT OF A PROPOSED DAM AND RESERVOIR TO BE LOCATED ON THE CAPE FEAR RIVER IN CUMBERLAND COUNTY, AND TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO APPLY FOR A GRANT TO FUND THE PLANNING, DEVELOPMENT, AND CONSTRUCTION OF REGIONAL WATER SUPPLY SYSTEMS.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Shaw:

S.B. 1000, A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO STUDY THE OPTIONS FOR ESTABLISHING A SCHOOL OF ENGINEERING AT FAYETTEVILLE STATE UNIVERSITY AND TO BEGIN THE FIRST PHASE OF ESTABLISHING A SCHOOL OF ENGINEERING AT FAYETTEVILLE STATE UNIVERSITY.

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

By Senator Ballantine:

S.J.R. 1001, A JOINT RESOLUTION AUTHORIZING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE TOTAL TEACHER PROGRAM.

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

By Senators Ballantine, Soles; and Thomas:

S.B. 1002, A BILL TO BE ENTITLED AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO SET THE FIRST INSTRUCTIONAL DAY OF THE SCHOOL YEAR AFTER LABOR DAY.

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

By Senators Ballantine; and Shubert:

S.B. 1003, A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND TO AUTHORIZE THE FUNDING AND CONSTRUCTION OF THE PROSPERITY PROJECT HIGHWAY CORRIDOR.

Referred to **Transportation Committee**.

By Senators Ballantine; and Shaw:

S.B. 1004, A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX INCENTIVES FOR BUSINESSES IN URBAN ENTERPRISE ZONES.

Referred to **Finance Committee**.

By Senator Ballantine:

S.B. 1005, A BILL TO BE ENTITLED AN ACT TO EXCLUDE FROM INCOME TAX CERTAIN GAINS FROM INVESTMENTS IN TECHNOLOGY BUSINESSES AND OTHER QUALIFIED SMALL BUSINESSES.

Referred to **Finance Committee**.

By Senator Holloman:

S.B. 1006, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF PHYSICIAN MEMBERS OF THE NORTH CAROLINA MEDICAL BOARD.

Referred to **Health and Human Resources Committee**.

By Senators Gulley; Dorsett, Kinnaird and Lucas:

S.B. 1007, A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PERSONNEL ACT TO INCLUDE SEXUAL ORIENTATION TO THE LIST OF CLASSIFICATIONS COVERED BY THE STATE'S EQUAL EMPLOYMENT OPPORTUNITY LAW.

Referred to **Judiciary I Committee**.

By Senator Gulley:

S.B. 1008, A BILL TO BE ENTITLED AN ACT TO REESTABLISH THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH SPEED RAIL COMMISSION.

Referred to **Transportation Committee**.

By Senators Gulley; Bingham, Holloman, Kinnaird, Lucas, Metcalf, Purcell and Reeves:

S.B. 1009, A BILL TO BE ENTITLED AN ACT TO PROVIDE CANDIDATES FOR CERTAIN COUNCIL OF STATE OFFICES WITH THE OPTION OF FINANCING THEIR CAMPAIGNS FROM A PUBLICLY SUPPORTED FUND, PROVIDED THAT THEY GAIN AUTHORIZATION TO DO SO FROM REGISTERED VOTERS AND THAT THEY ABIDE BY STRICT FUND-RAISING AND SPENDING LIMITS.

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

By Senators Gulley; Holloman, Hoyle, Jenkins, Metcalf, Pittenger, Queen, Rand, Reeves, Swindell and Weinstein:

S.B. 1010, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA MOVING AHEAD TRANSPORTATION INITIATIVE BY ALLOWING CASH BALANCES IN THE HIGHWAY TRUST FUND TO BE USED TO MEET CRUCIAL TRANSPORTATION NEEDS AND TO REAFFIRM THE INTENT OF THE GENERAL ASSEMBLY THAT PROCEEDS FROM THE ISSUANCE OF BONDS UNDER AUTHORITY OF THE STATE HIGHWAY BOND ACT OF 1996 SHALL BE USED FOR THE PURPOSES STATED IN THAT ACT, AND FOR NO OTHER PURPOSE.

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

By Senator Berger:

S.B. 1011, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DUTIES OF PERSONS WHO RECEIVE FOR DISTRIBUTION SUMS RECOVERED FOR PERSONAL INJURY WITH RESPECT TO LIENS IN FAVOR OF HEALTH CARE PROVIDERS.

Referred to **Judiciary I Committee**.

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By Senator Berger:

S.B. 1012, A BILL TO BE ENTITLED AN ACT TO EXEMPT ALL MEMBERS OF THE GENERAL ASSEMBLY HOLDING OCCUPATIONAL LICENSES FROM HAVING TO SATISFY ANY CONTINUING EDUCATION REQUIREMENTS ESTABLISHED FOR THE PROFESSION DURING THEIR TERM IN OFFICE.

Referred to **Judiciary I Committee**.

By Senator Berger:

S.B. 1013, A BILL TO BE ENTITLED AN ACT TO DECREASE THE MAXIMUM NUMBER OF DAYS IN WHICH THE WRITTEN JUDGMENT MUST BE SERVED UPON ALL OTHER PARTIES FROM NINETY DAYS TO SIXTY DAYS.

Referred to **Judiciary I Committee**.

By Senators Berger; and Carpenter:

S.B. 1014, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STUDY BY THE DEPARTMENT OF CORRECTION ON INMATES WHO ARE IRREVERSIBLY PHYSICALLY INCAPACITATED BY CHRONIC ILLNESS OR DISABILITY.

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

By Senators Berger; Apodaca, Ballantine, Brock, Carpenter, Forrester, Foxx, Garwood, Hartsell, Pittenger, Rucho, Shubert, Sloan, Smith, Stevens and Tillman:

S.B. 1015, A BILL TO BE ENTITLED AN ACT TO RESTORE THE GOOD ROADS OF NORTH CAROLINA AND TO CREATE A COMMISSION TO STUDY ALL TRANSPORTATION FINANCING, FUNDING, PLANNING, AND MANAGEMENT ISSUES.

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

By Senator Berger:

S.B. 1016, A BILL TO BE ENTITLED AN ACT REQUIRING NURSING HOMES TO ESTABLISH A MEDICATION MANAGEMENT ADVISORY COMMITTEE AND SPECIFYING THE DUTIES OF THE COMMITTEE, AND TO REQUIRE NURSING HOMES TO DO CERTAIN THINGS PERTAINING TO THE REDUCTION OF MEDICATION-RELATED ERRORS TO INCREASE PATIENT SAFETY.

Referred to **Health and Human Resources Committee**.

By Senator Berger:

S.B. 1017, 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 I Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Berger, Clodfelter; Hartsell, Horton and Kinnaird:

S.B. 1018, A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN PROFESSIONAL LIABILITY INSURERS TO USE EXPERIENCE AND

SCHEDULE RATING PLANS AND TO ESTABLISH PREMIUM STABILIZATION ACCOUNTS TO MOLLIFY SEVERE MARKET CYCLE CHANGES CAUSED BY DECREASES IN INVESTMENT INCOME.

Referred to **Select Committee on Insurance and Civil Justice Reform.**

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 8:00 P.M.

THIRTY-NINTH DAY

Senate Chamber
Monday, April 7, 2003

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:

"This week, O God, help us all, inwardly and outwardly, to conduct our lives so that whether in success or adversity, we may live honestly and humbly.

"Help us to lift up our troubled world in the ways that we are able and not lean on it, always working to make it a better place in which for You to rear the human family. Amen."

The Chair grants leaves of absence for tonight to Senator Carrington, Senator Dalton and Senator Webster.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, April 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. Elizabeth P. Kanof 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. 36, AN ACT TO REPEAL THE LAW THAT AUTHORIZES THE INVOLUNTARY STERILIZATION OF PERSONS WHO ARE MENTALLY ILL OR MENTALLY RETARDED, TO PERMIT THE STERILIZATION OF MENTALLY ILL OR MENTALLY RETARDED WARDS ONLY WHEN THERE IS A MEDICAL NECESSITY, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

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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. 340, AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER. (Became law upon approval of the Governor, April 4, 2003–S.L. 2003-8.)

WITHDRAWAL FROM COMMITTEE

S.B. 626, A BILL TO BE ENTITLED AN ACT TO EXPAND THE ENFORCEMENT AUTHORITY OF MARINE PATROL INSPECTORS TO INCLUDE CRIMINAL OFFENSES COMMITTED IN THE PRESENCE OF AN INSPECTOR AND WHEN AN INSPECTOR IS ASKED TO TEMPORARILY ASSIST A STATE OR LOCAL GOVERNMENT LAW ENFORCEMENT AGENCY, referred to the **Judiciary I Committee** on April 1.

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

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

S.B. 628, A BILL TO BE ENTITLED AN ACT TO ALLOW MARINE FISHERIES INSPECTORS TO ACCEPT DELEGATION OF LAW ENFORCEMENT POWERS FROM THE NATIONAL MARINE FISHERIES SERVICE, referred to the **Judiciary I Committee** on April 1.

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

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

REPORTS OF COMMITTEES

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 Hartsell for the **Judiciary II Committee**:

S.B. 423, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND ENHANCE CHILD SUPPORT ENFORCEMENT 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 55171, is adopted and engrossed.

By Senator Purcell for the **Health and Human Resources Committee**:

S.B. 522, A BILL TO BE ENTITLED AN ACT TO REDUCE THE MEMBERS ON THE NORTH CAROLINA BOARD OF NURSING, TO CHANGE THE METHOD BY WHICH CERTAIN MEMBERS ARE ELECTED OR APPOINTED, TO MAKE TECHNICAL CHANGES TO THE NURSING PRACTICE ACT, AND TO REQUIRE THAT HEALTH CARE FACILITIES VERIFY THE LICENSURE STATUS OF APPLICANTS SEEKING EMPLOYMENT AS NURSES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35232, which changes the title to read **S.B. 522** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE METHOD BY WHICH CERTAIN MEMBERS ON THE NORTH CAROLINA BOARD OF NURSING ARE ELECTED OR APPOINTED, TO MAKE TECHNICAL CHANGES TO THE NURSING PRACTICE ACT, AND TO REQUIRE THAT HEALTH CARE FACILITIES VERIFY THE LICENSURE STATUS OF APPLICANTS SEEKING EMPLOYMENT AS NURSES, is adopted and engrossed.

By Senator Garrou for the **Pensions & Retirement and Aging Committee**:

S.B. 39 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO ASSESS INTEREST ON PREMIUM PAYMENTS NOT REMITTED BY CHARTER SCHOOL EMPLOYING UNITS IN A TIMELY MANNER, with a favorable report.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 358 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE DAMAGE AMOUNTS ON DEFINED MOTOR VEHICLE ACCIDENTS.

Referred to **Commerce Committee**.

H.B. 440, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WENTWORTH TO EXEMPT AGRICULTURAL LAND USES WITHIN THAT JURISDICTION FROM ZONING.

Referred to **Finance Committee**.

H.B. 512, A BILL TO BE ENTITLED AN ACT TO ALLOW NONRESIDENT PROPERTY OWNERS TO SERVE ON THE HISTORIC PRESERVATION COMMISSION IN THE TOWN OF NAGS HEAD.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

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CALENDAR

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

S.B. 122 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE CITIES OF GASTONIA AND LOCUST AND THE TOWNS OF PINE LEVEL AND RANLO, as amended on second reading on April 2 by a material amendment, upon third reading.

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

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Clodfelter, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—46.

Voting in the negative: None.

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

SENATE PAGES

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

Jessica Aubuchont, Monroe; Molly Jean Bentley, Mt. Holly; Carl Jeffress Burchette, Charlotte; Benita A. Edgerton, Louisburg; Rachel Higgins, Greensboro; Timothy Hunter, Broadway; Andrew McIndoe, Oak Ridge; Heather Ann Moore, Bessemer City; Marshall F. Newman, Franklin; Destiney Richardson, Raleigh; Benjamin J. Rogers, Durham; Raimond Rockwell Struble, Raleigh; and Shandrea Walden, Greensboro.

Senator Basnight offers the pages an opportunity to address the members of the Senate.

Upon motion of Senator Foxx the words spoken by the pages are spread across the journal.

Andrew McIndoe, Oak Ridge, North Carolina:

“I’d like to thank all the Senators for letting us come here today, for the great program that you have put out, the great training. Thank you so much for giving us this opportunity. All of us are interested in politics in one form or another and it’s great to see our democracy at work and how things go. It’s a privilege to be on the Senate floor, so thank you.”

Benjamin Rogers, Durham, North Carolina:

“I am Benjamin Rogers from Durham and I would just like to say thank you to all the Senators, especially my Senator, Senator Lucas. I feel proud to represent Durham. Thank you.”

Timothy Hunter, Broadway, North Carolina:

“Hi, my name is Tim Hunter and I want to tell you how great of an honor it is for me to be here and I thank Harris Blake for representing me.”

Molly Bentley, Mt. Holly, North Carolina:

“Hi, my name is Molly Bentley and I wanted to thank all of you. This is a great opportunity and I wanted to thank Senator Forrester for representing me.”

Heather Moore, Bessemer City, North Carolina:

“My name is Heather Moore and I’m from Bessemer City, a very, very small town. Thank you, Senator Hoyle, for representing me and thank you all for giving us the opportunity.”

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

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 392, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF J. FRANK BRYANT, FORMER MEMBER OF THE GENERAL ASSEMBLY.

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

Upon motion of Senator Foxx, the remarks of the members are spread upon the Journal, as follows:

Senator Brock:

“This resolution tonight honors the life of Frank Bryant who was a member of the State House in 1959 from Yadkin County. He has a lot of connections to us in the Chamber here as well. He served with my grandfather and Senator Kerr’s father in the State House back in 1959. Frank was a strong advocate of farmers in our region, having both a dairy farm and a tobacco farm and served on many boards throughout the State to local and state affairs. One of his greatest success stories would be his family and his family’s service to the State. His wife, Juanita, was the Executive Director of the North Carolina Council for Women. She was there and active for many years until her retirement in the year 2000. His son, Steve, worked in the Attorney General’s Office and his wife, Dawn, is also an attorney for the City of Raleigh. They have two children, Katie, who is now at North Carolina State and Kelly who will be attending East Carolina. His daughter, Debra, served in Governor Hunt’s Administration and is now in Washington D.C. continuing to work in government today. His son, Jay, and his wife, Denita, is now working with the Maryland-Virginia Milk Producers’ Society, a co-op association that more than half of our farmers here in North Carolina are a part of. I think it’s a good measure of somebody if their family and what you leave behind and how their family will act or react and what they will do in their life. I think we always say this, it’s in their blood, but it’s more than that, it’s in their heart and soul and I think that’s something we could always say of Frank, is that what he gave to the community and back to each and every one when he served his country in Korea and the Korean Conflict and just

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his tireless day-to-day activities working for our farmers. I commend this resolution to you.”

The joint resolution passes its second reading (45-0) and third reading with members standing, and is ordered enrolled.

Upon motion of Senator Brock, the President Pro Tempore extends the courtesies of the gallery to Juanita Bryant, wife of former Representative J. Frank Bryant; Steve Bryant and his wife, Dawn, and their children, Katie and Kelly; his daughter Debra; and his son, Jay, and his wife, Denita.

ADDITIONAL SPONSOR

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

S.B. 903, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA DEPARTMENT OF VETERANS AFFAIRS.

Upon motion of Senator Dannelly, seconded by Senator Allran, the Senate adjourns at 7:46 P.M. to meet tomorrow, Tuesday, April 8, at 3:00 P.M.

FORTIETH DAY

Senate Chamber
Tuesday, April 8, 2003

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, though our Senate prayers are usually a brief interlude between the busyness that precedes and follows, we pray this afternoon seeking honest conversation with You. We pray that we do not come before You with any facial expressions appearing as we think You would like to see us. Let us stand before You as we are.

"If we are joyful let us share our joy with others, but let us also confess our joys, fears, and burdens. Like Job, we agree that life is not always just and sometimes we are ill-treated.

"But help us to stay long enough in Your presence for Your healing hand to touch us and bring us to peace. In your Holy Name we pray, Amen."

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

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Monday, April 7, 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 T. Harris from Durham, 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.

WITHDRAWAL FROM COMMITTEE

S.B. 181, A BILL TO BE ENTITLED AN ACT RELATING TO THE 17TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 26.

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. 89, A BILL TO BE ENTITLED AN ACT RELATING TO THE 46TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 19.

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 Government, Local Government, and Veterans' Affairs 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 Government, Local Government, and Veterans' Affairs 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 Hartsell for the **Judiciary II Committee**:

S.B. 784, A BILL TO BE ENTITLED AN ACT CONCERNING BONDING OF CERTAIN JUDGMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35233, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

S.B. 226 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ADMINISTRATION OF MEDICATION TO A CHILD IN A LICENSED OR UNLICENSED CHILD CARE FACILITY WITHOUT PROPER AUTHORIZATION FROM THE CHILD'S PARENT OR GUARDIAN, 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, 75230, is adopted and engrossed.

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

S.B. 627, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE BY WHICH COASTAL HABITAT PROTECTION PLANS MUST BE ADOPTED, with a favorable report.

By Senator Soles for the **Commerce Committee**:

S.B. 437, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSING BOARD OF GENERAL CONTRACTORS TO ESTABLISH TEMPORARY RULES THAT ALLOW A LICENSEE TO BID AND CONTRACT DIRECTLY WITH THE OWNER OF A PUBLIC BUILDING PROJECT IN CERTAIN CIRCUMSTANCES, with a favorable report.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 2 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN APPLICANTS FOR DRIVERS LICENSES TO SUBMIT MEDICAL CERTIFICATES FROM OUT-OF-STATE PHYSICIANS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, April 9.

H.B. 520 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF OAK ISLAND.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 651, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY MANAGER TO MAKE DECISIONS REGARDING ROUTINE TRAFFIC CONTROL MEASURES.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

CALENDAR

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

S.B. 39 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND

THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO ASSESS INTEREST ON PREMIUM PAYMENTS NOT REMITTED BY CHARTER SCHOOL EMPLOYING UNITS IN A TIMELY MANNER.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 230 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT REVISED ARTICLE 6 OF THE UNIFORM COMMERCIAL CODE, BULK SALES, AND CONFORMING AMENDMENTS TO OTHER ARTICLES OF THE UNIFORM COMMERCIAL CODE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 423 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND ENHANCE CHILD SUPPORT ENFORCEMENT LAWS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 522 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE METHOD BY WHICH CERTAIN MEMBERS ON THE NORTH CAROLINA BOARD OF NURSING ARE ELECTED OR APPOINTED, TO MAKE TECHNICAL CHANGES TO THE NURSING PRACTICE ACT, AND TO REQUIRE THAT HEALTH CARE FACILITIES VERIFY THE LICENSURE STATUS OF APPLICANTS SEEKING EMPLOYMENT AS NURSES.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 15.

S.B. 784 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING BONDING OF CERTAIN JUDGMENTS, 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 by special message.

Upon motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns subject to reading of Reports to the General Assembly and Executive Orders to meet tomorrow, Wednesday, April 9, at 3:00 P.M.

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 49, Proclamation of State of Disaster for the City of Eden.

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REPORTS TO GENERAL ASSEMBLY

Boards, Commissions, and Agencies directed to report to the General Assembly submit reports which are ordered placed on file in the Legislative Library, as follows:

The General Statutes Commission submits the Report on the Study of Motor Vehicle Statutes.

The North Carolina Department of Insurance submits the Healthcare Review Program Semiannual Report on External Review Requests in North Carolina, July 1, 2002-December 31, 2002.

ADDITIONAL SPONSORS

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

S.B. 870, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE OFFICE OF THE GOVERNOR TO AID IN RESPONDING TO THE BASE REALIGNMENT AND CLOSURE COMMISSION TO PROTECT THE MILITARY AND CIVILIAN JOBS ASSOCIATED WITH THE MILITARY BASES IN OUR STATE.

S.B. 871, A BILL TO BE ENTITLED AN ACT TO WAIVE AN AMOUNT EQUAL TO ONE-THIRD OF THE FUEL TAX COLLECTED ON MILITARY INSTALLATIONS EACH YEAR TO ENABLE THE ARMED FORCES TO IMPROVE QUALITY-OF-LIFE PROGRAMS FOR MILITARY MEMBERS AND THEIR FAMILIES IN NORTH CAROLINA.

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

S.B. 804, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE DRIVERS LICENSES VALID FOR UP TO EIGHT YEARS AND TO ISSUE REGISTRATION PLATES VALID FOR UP TO TWO YEARS AS RECOMMENDED BY THE GOVERNOR'S EFFICIENCY COMMISSION.

S.B. 935, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MILITARY DRIVERS LICENSE EXPIRATION PROCEDURE WITHIN THE DIVISION OF MOTOR VEHICLES.

S.B. 938, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF THE DEATH BENEFIT PAID WHEN A LAW ENFORCEMENT OFFICER, FIREFIGHTER, RESCUE SQUAD WORKER, OR SENIOR CIVIL AIR PATROL MEMBER IS KILLED IN THE LINE OF DUTY.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:40 P.M.

FORTY-FIRST DAY

Senate Chamber
Wednesday, April 9, 2003

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, with a cautious optimism we see and hear from news sources today that signs of peace are more evident and resolution to the war in Iraq may be near.

"Help us to remain diligent in our prayers for all who are involved in this conflict. We also pray for those who will guide the reconstruction of that country and teach the lessons of liberty. May the citizens of Iraq learn quickly that freedom is a gift not to be abused but used for the best purposes of all the people.

"We also pray that you will continue to guide and bless the work of the Senators as they labor under the same constraints and blessings of freedom each day in this Chamber. Amen."

The Chair grants leaves of absence for today to Senator Carrington, Senator Garwood, Senator Gullely, Senator Hoyle and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, April 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. Barbara L. Coheen-Brodish from Kinston, North Carolina, who is serving the Senate as Doctor 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**:

S.B. 537, A BILL TO BE ENTITLED AN ACT TO EXCLUDE AIRPORTS FROM THE PUBLIC ENTERPRISE BILLING INFORMATION PRIVACY LAW, with a favorable report.

S.B. 161, A BILL TO BE ENTITLED AN ACT TO RESTRICT COURT-ORDERED NONBINDING ARBITRATION TO DISTRICT COURT ACTIONS IN WHICH CLAIMS DO NOT EXCEED TEN THOUSAND DOLLARS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65253, which changes the title to read **S.B. 161** (Committee Substitute), A BILL TO BE

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ENTITLED AN ACT TO RESTRICT COURT-ORDERED NONBINDING ARBITRATION TO DISTRICT COURT ACTIONS, is adopted and engrossed.

S.B. 439, A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75232, is adopted and engrossed.

S.B. 561, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT THAT NOTICES OF LEGISLATIVE MEETINGS BE POSTED ON THE PRESS ROOM DOOR AND REPLACING IT WITH A REQUIREMENT OF ELECTRONIC POSTING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75231, is adopted and engrossed.

By Senator Metcalf for the **Education/Higher Education Committee**:

S.B. 444, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PILOT PROGRAMS ON TEACHING PERSONAL FINANCIAL LITERACY IN THE PUBLIC SCHOOLS, with a favorable report.

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

S.B. 390, A BILL TO BE ENTITLED AN ACT TO GIVE EFFECT TO ELECTRONIC JUDGMENT DOCKETS BY MODERNIZING LAWS REGARDING JUDGMENTS AND CHANGING THE EFFECTIVE DATE OF CIVIL JUDGMENT LIENS AND THE DATE FROM WHICH INTEREST ACCRUES ON JUDGMENTS, with a favorable report.

S.B. 422, A BILL TO BE ENTITLED AN ACT TO AMEND THE ADVANCE HEALTH CARE DIRECTIVE REGISTRY LAW TO EXEMPT FROM NOTARY REQUIREMENTS ANATOMICAL GIFT INSTRUMENTS, with a favorable report.

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

H.B. 482 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE AN ALPHA KAPPA ALPHA SORORITY SPECIAL REGISTRATION PLATE, with a favorable report.

The Chair rules that the Committee Substitute bill does not require a call of the roll.

Upon motion of Senator Kerr, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

S.B. 478, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE, with a favorable report.

S.B. 490, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON TO ALLOW THE CITY MANAGER TO SETTLE CLAIMS AGAINST THE CITY WHEN THE AMOUNT OF THE CLAIMS DO NOT EXCEED THE CITY'S INSURANCE DEDUCTIBLE, with a favorable report.

S.B. 498, A BILL TO BE ENTITLED AN ACT TO ALLOW ELECTROFISHING FOR CATFISH IN COLUMBUS COUNTY, with a favorable report.

S.B. 517, A BILL TO BE ENTITLED AN ACT TO REDUCE THE MINIMUM MEMBERSHIP OF THE GLOBAL TRANSPARK DEVELOPMENT COMMISSION, ALSO CALLED THE EASTERN REGION COMMISSION, with a favorable report.

ENROLLED BILL

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. 392, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF J. FRANK BRYANT, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 7)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 34, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

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

H.B. 393 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUTHORITY OF THE BOARD OF COUNTY COMMISSIONERS IN CERTAIN COUNTIES TO REQUIRE THE REGISTER OF DEEDS IN THE COUNTY NOT TO ACCEPT ANY DEED TRANSFERRING REAL PROPERTY FOR REGISTRATION UNLESS THE COUNTY TAX COLLECTOR CERTIFIES THAT NO DELINQUENT TAXES ARE DUE ON THAT PROPERTY.

Referred to **Finance Committee**.

H.B. 394 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING THE LAW PERTAINING TO LEGAL DEADLINES FALLING ON A HOLIDAY.

Referred to **Judiciary I Committee**.

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H.B. 478 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE NORTH CAROLINA CHILD ALERT NOTIFICATION (NC CAN) SYSTEM AND TO RENAME THAT SYSTEM THE AMBER ALERT SYSTEM.

Referred to **Health and Human Resources Committee**.

H.B. 636 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE EFFECT TO ELECTRONIC JUDGMENT DOCKETS BY MODERNIZING LAWS REGARDING JUDGMENTS AND REESTABLISHING THE EFFECTIVE DATE OF CIVIL JUDGMENT LIENS AND THE DATE FROM WHICH INTEREST ACCRUES ON JUDGMENTS.

Referred to **Judiciary II Committee**.

CALENDAR

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

S.B. 226 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ADMINISTRATION OF MEDICATION TO A CHILD IN A LICENSED OR UNLICENSED CHILD CARE FACILITY WITHOUT PROPER AUTHORIZATION FROM THE CHILD'S PARENT OR GUARDIAN.

The Committee Substitute bill No. 2 passes its second reading (45-0).

Senator Clodfelter objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, April 10.

S.B. 437, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSING BOARD OF GENERAL CONTRACTORS TO ESTABLISH TEMPORARY RULES THAT ALLOW A LICENSEE TO BID AND CONTRACT DIRECTLY WITH THE OWNER OF A PUBLIC BUILDING PROJECT IN CERTAIN CIRCUMSTANCES.

Upon motion of Senator Soles, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 15.

S.B. 627, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE BY WHICH COASTAL HABITAT PROTECTION PLANS MUST BE ADOPTED.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 2 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN APPLICANTS FOR DRIVERS LICENSES TO SUBMIT MEDICAL CERTIFICATES FROM OUT-OF-STATE PHYSICIANS.

The Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled and sent to the Governor.

H.B. 482 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE AN ALPHA KAPPA ALPHA SORORITY SPECIAL REGISTRATION PLATE, 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 by special message.

WITHDRAWAL FROM COMMITTEE

S.B. 83, A BILL TO BE ENTITLED AN ACT RELATING TO THE 11TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 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 **State Government, Local Government, and Veterans' Affairs 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 Government, Local Government, and Veterans' Affairs Committee**.

S.B. 629, A BILL TO BE ENTITLED AN ACT RELATING TO THE STATE'S BANKING LAWS, referred to the **Rules and Operations of the Senate Committee** on April 1.

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. 549, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ELECTION FUND REQUIRED BY THE HELP AMERICA VOTE ACT OF 2002 (HAVA) AS A CONDITION FOR RECEIVING FEDERAL FUNDS UNDER THAT ACT, referred to the **Appropriations/Base Budget Committee** on March 27.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Judiciary I 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 **Judiciary I Committee**.

ADDITIONAL SPONSOR

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

S.B. 961, A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX CREDITS FOR RESEARCH AND DEVELOPMENT BY INFORMATION TECHNOLOGY BUSINESSES.

Upon motion of Senator Basnight, seconded by Senator Metcalf, the Senate adjourns at 3:55 P.M. to meet tomorrow, Thursday, April 10, at 11:00 A.M.

FORTY-SECOND DAY

Senate Chamber
Thursday, April 10, 2003

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. Ernie Johnson, Pastor, Highland Presbyterian Church, Fayetteville, North Carolina as follows:

"Oh most merciful and loving God, our hearts are filled with gratitude today. We acknowledge you as the author and giver of life. We recognize that every day is a gift. We acknowledge our weakness and your power, our need and your love, our longing and your hope. Never leave us nor forsake us. May your way be our desire. Let justice roll down like waters and peace like an ever-flowing stream and may we see in every human being your creative hand, O God, for only in that way will we understand that life is sacred. May your light be reflected through our love and generosity, our compassion and caring. Forgive us of our own evil and create within each of us a right spirit.

"O God of forgiveness and grace, on this day declared by our Governor as a day of prayer, teach us how to pray. In the tone and tenor of our lives as we work together in the halls of government, in the courts of justice, in pulpits across our land, in the marketplaces of life, may our words and deeds be like prayers to you. We are connected in diverse and wondrous ways so that none of us can ever be islands unto ourselves. Give to us a measure of your tolerance so that we are not so quick to judge as we are to love one another. Remind us, O God, that all of us are just passing through and that none of us can remain on this earth forever. While we are here may we be found making ourselves fit for eternity by doing good and loving mercy and walking humbly with our God.

"We rejoice this day in what is emerging as a new day for the Iraqi people. We pray it is the beginning of decades of freedom for them and a watershed moment marking the beginning of peace in the Middle East. We continue to pray for service men and women and their families who fight to preserve what we hold so dear, life, liberty, and the pursuit of happiness, and to gain those rights for others. We pray for their families who wait at home. Where there has been loss of life and resulting sorrow, may your consolation bring comfort. End the scourge of terror in our world. Help us maintain the resolve and courage here and the world over to confront evil wherever it flaunts itself or hides, for no one should have their life diminished or maimed or destroyed by the terror of evil regimes or evil men and women.

"O God, across our world there is a longing for peace and freedom today. We can feel it. We have seen tyranny topple and we have heard with our ears the jubilant sound of freedom waking in a place where oppression and fear has long prevailed. Our hearts are lifted and our hopes renewed. May the sounds of freedom ring from Firdos Square in Baghdad to the World Trade Center site in New York City, on to the Capitol steps in Washington and to the State Capitol here in North Carolina, then to Fort Bragg, Pope Air Force Base, and Camp Lejeune. Hasten the day when we will study war no more and people the world over will drink from the cup of freedom.

"Bless our President and his Cabinet, the Congress and Senate in Washington. Bless the Governor of our beloved State and each elected Representative here today and their staffs and families. Give to each who govern in this Chamber a larger sense of your good and a measure of wisdom so strong that they may make good decisions that benefit all citizens. May partisan views be accompanied by open minds and listening ears and arms that embrace all the human family in a spirit of cooperation and collaboration.

"O you from whom no secret is hid, so now make yourself known to us in the secret places of our hearts that we might think before we speak and pray before we act and in doing so find ourselves on a journey to spiritual health and wholeness, light and joy, peace and prosperity. In the name of Christ, Amen."

The Chair grants leaves of absence for today to Senator Blake, Senator Garwood, Senator Gulley, Senator Hoyle and Senator Reeves.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, April 9, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

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

S.B. 2, AN ACT TO ALLOW CERTAIN APPLICANTS FOR DRIVERS LICENSES TO SUBMIT MEDICAL CERTIFICATES FROM OUT-OF-STATE PHYSICIANS.

S.B. 440, AN ACT TO ALLOW THE COURT TO ISSUE AN ORDER FOR ARREST WHEN A DEFENDANT FAILS TO APPEAR IN COURT AFTER RECEIVING A CITATION FOR A MISDEMEANOR.

H.B. 482, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE AN ALPHA KAPPA ALPHA SORORITY SPECIAL REGISTRATION PLATE.

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. 630, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF A PROTECTIVE ORDER UNDER THE LAWS RELATING TO DOMESTIC VIOLENCE, with a favorable report.

S.B. 786, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN

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THE PROPERTY OF A RESIDENT OF A STATE INSTITUTION UNDER THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IS LOST, DESTROYED, OR OTHERWISE DAMAGED THROUGH NEGLIGENT HANDLING BY THE INSTITUTION, THE INSTITUTION MAY MAKE DIRECT PAYMENT OR PROVIDE REPLACEMENT OF THE ITEM TO THE RESIDENT WITHOUT RECOURSE TO THE TORT CLAIMS PROCESS IF THE AMOUNT OF DAMAGES IS LESS THAN FIVE HUNDRED DOLLARS, with a favorable report.

H.B. 549, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ELECTION FUND REQUIRED BY THE HELP AMERICA VOTE ACT OF 2002 (HAVA) AS A CONDITION FOR RECEIVING FEDERAL FUNDS UNDER THAT ACT, with a favorable report.

By Senator Bingham for the **Health and Human Resources Committee**:

S.B. 657, A BILL TO BE ENTITLED AN ACT IMPOSING RESTRICTIONS ON THE USE AND OPERATION OF TANNING FACILITIES AND EQUIPMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40002, is adopted and engrossed.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.J.R. 681, A JOINT RESOLUTION HONORING THE 250TH ANNIVERSARY OF ROWAN COUNTY AND THE MEMORY OF MATTHEW ROWAN.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on today's Calendar.

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 Metcalf for the **Education/Higher Education Committee**:

S.B. 10, A BILL TO BE ENTITLED AN ACT TO MODIFY AND MAKE PERMANENT THE OPTION FOR RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT LOSS OF RETIREMENT BENEFITS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40003, which changes the title to read **S.B. 10** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY AND MAKE PERMANENT THE OPTION FOR RETIRED EDUCATORS TO RETURN TO THE PUBLIC SCHOOLS WITHOUT LOSS OF

RETIREMENT BENEFITS, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Pensions & Retirement and Aging Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 421 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VETERANS DAY A HOLIDAY FOR SCHOOL PERSONNEL.

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

H.B. 462, A BILL TO BE ENTITLED AN ACT TO INCLUDE DULY LICENSED MARRIAGE AND FAMILY THERAPISTS UNDER THE INSURANCE 'FREEDOM OF CHOICE' LAW AND UNDER THE PROFESSIONAL CORPORATIONS ACT.

Referred to **Health and Human Resources Committee**.

H.B. 637, A BILL TO BE ENTITLED AN ACT TO PERMIT THE SETTLOR OF A REVOCABLE TRUST TO RELIEVE THE TRUSTEE OF DUTIES, RESTRICTIONS, AND LIABILITIES IMPOSED BY THE UNIFORM TRUSTS ACT.

Referred to **Judiciary II Committee**.

H.B. 692 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LICENSED AUCTIONEERS CONDUCTING AUCTIONS FOR MOTOR VEHICLE DEALERS DO NOT NEED MOTOR VEHICLE DEALER LICENSES.

Referred to **Transportation Committee**.

CALENDAR

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

S.B. 478, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 490, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON TO ALLOW THE CITY MANAGER TO SETTLE CLAIMS AGAINST THE CITY WHEN THE AMOUNT OF THE CLAIMS DO NOT EXCEED THE CITY'S INSURANCE DEDUCTIBLE.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 498, A BILL TO BE ENTITLED AN ACT TO ALLOW ELECTROFISHING FOR CATFISH IN COLUMBUS COUNTY.

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The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 161 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTRICT COURT-ORDERED NONBINDING ARBITRATION TO DISTRICT COURT ACTIONS.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 390, A BILL TO BE ENTITLED AN ACT TO GIVE EFFECT TO ELECTRONIC JUDGMENT DOCKETS BY MODERNIZING LAWS REGARDING JUDGMENTS AND CHANGING THE EFFECTIVE DATE OF CIVIL JUDGMENT LIENS AND THE DATE FROM WHICH INTEREST ACCRUES ON JUDGMENTS.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

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

S.B. 422, A BILL TO BE ENTITLED AN ACT TO AMEND THE ADVANCE HEALTH CARE DIRECTIVE REGISTRY LAW TO EXEMPT FROM NOTARY REQUIREMENTS ANATOMICAL GIFT INSTRUMENTS.

The bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

S.B. 439 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

The Committee Substitute bill passes its second reading (41-3).

Senator Clodfelter objects to third reading of the measure. Pursuant to Rule 50, the President *Pro Tempore*, orders the measure placed on the Calendar for Monday, April 14, upon third reading.

REPORTS OF COMMITTEES

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

By Senator Soles for the **Commerce Committee**:

S.B. 966, A BILL TO BE ENTITLED AN ACT TO REQUIRE INSURERS TO IMPLEMENT SAFEGUARDS FOR THE PROTECTION OF PERSONAL INFORMATION, PURSUANT TO THE PROVISIONS OF THE GRAMM-LEACH-BLILEY ACT, with a favorable report.

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

S.B. 731, A BILL TO BE ENTITLED AN ACT TO INCREASE THE SIZE OF PACKAGES OF FERTILIZER THAT MAY BE SOLD WITH NUTRIENT GUARANTEES STATED IN FRACTIONAL PERCENTAGES AND TO AUTHORIZE THE BOARD OF AGRICULTURE TO ADOPT TEMPORARY RULES IN ORDER TO ESTABLISH RENTAL RATES FOR THE USE OF FACILITIES OPERATED BY THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, with a favorable report.

S.B. 959, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO ADOPT RULES REGARDING MONITORING OF COASTAL RECREATION WATERS IN ORDER TO IMPLEMENT THE FEDERAL BEACHES ENVIRONMENTAL ASSESSMENT AND COASTAL HEALTH ACT OF 2000, with a favorable report.

CALENDAR (*continued*)

S.B. 444, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PILOT PROGRAMS ON TEACHING PERSONAL FINANCIAL LITERACY IN THE PUBLIC SCHOOLS.

The bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 517, A BILL TO BE ENTITLED AN ACT TO REDUCE THE MINIMUM MEMBERSHIP OF THE GLOBAL TRANSPARK DEVELOPMENT COMMISSION, ALSO CALLED THE EASTERN REGION COMMISSION.

The bill passes its second (42-2) and third readings and is ordered sent to the House of Representatives.

S.B. 537, A BILL TO BE ENTITLED AN ACT TO EXCLUDE AIRPORTS FROM THE PUBLIC ENTERPRISE BILLING INFORMATION PRIVACY LAW.

The bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 561 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT THAT NOTICES OF LEGISLATIVE MEETINGS BE POSTED ON THE PRESS ROOM DOOR AND REPLACING IT WITH A REQUIREMENT OF ELECTRONIC POSTING.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

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

S.B. 226 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ADMINISTRATION OF MEDICATION TO A CHILD IN A LICENSED OR UNLICENSED CHILD CARE FACILITY WITHOUT PROPER

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AUTHORIZATION FROM THE CHILD'S PARENT OR GUARDIAN.

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

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

Senator Rucho offers Amendment No. 2 which fails of adoption (17-27).

The Committee Substitute bill No. 2, as amended, passes its third reading (44-0) and is ordered engrossed and sent to the House of Representatives.

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 Kerr for the **Finance Committee**:

S.B. 357, A BILL TO BE ENTITLED AN ACT TO ALLOW FRANKLIN COUNTY TO ACQUIRE PROPERTY FOR AIRPORT PURPOSES BY USING THE "QUICK TAKE" PROCEDURE, with a favorable report.

S.B. 450, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE RELEASE OR REFUND OF CERTAIN PROPERTY TAXES, with a favorable report.

S.B. 529, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WATER AND SEWER AUTHORITIES TO USE THE SETOFF DEBT COLLECTION ACT, with a favorable report.

H.B. 320, 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, with a favorable report.

S.B. 482, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO ANNEX ROADS THAT ARE ADJACENT ON BOTH SIDES TO PROPERTY ALREADY WITHIN THE CITY LIMITS, with a favorable report, as amended.

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

S.B. 592, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA STATE BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS TO ACQUIRE REAL PROPERTY, TO PURCHASE EQUIPMENT AND LIABILITY INSURANCE, AND TO INCREASE THE CIVIL PENALTY FROM TWO THOUSAND DOLLARS TO FIVE THOUSAND DOLLARS FOR VIOLATIONS OF THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT AND CLARIFYING THE REINSTATEMENT REQUIREMENTS UNDER THE 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 55172, which changes the title to read **S.B. 592** (Committee Substitute), A BILL TO BE

ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA STATE BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS TO ACQUIRE REAL PROPERTY, AND TO INCREASE THE CIVIL PENALTY FROM TWO THOUSAND DOLLARS TO FIVE THOUSAND DOLLARS FOR VIOLATIONS OF THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT AND CLARIFYING THE REINSTATEMENT REQUIREMENTS UNDER THE ACT, is adopted and engrossed.

CALENDAR *(continued)*

H.J.R. 681, A JOINT RESOLUTION HONORING THE 250TH ANNIVERSARY OF ROWAN COUNTY AND THE MEMORY OF MATTHEW ROWAN, placed earlier on today's calendar.

Upon motion of Senator Foxx, the remarks of Senator Brock are spread upon the Journal, as follows:

Senator Brock:

"Thank you Mr. President. Members of the Senate, as I mentioned yesterday, Rowan County is celebrating its 250th Anniversary on April 12. I'm proud to represent Rowan County, home of many great towns. Rowan County is home of a proud history of thriving businesses, farms, beautiful buildings, but most of all it is the people of Rowan County with their warmth, charm, and compassion, and their service toward fellow man that make Rowan County a special place. Hopefully, the clouds will lift this weekend so we can celebrate the 250th Anniversary with our Parade of the Century, which will be tomorrow, and all the other events we're having this weekend. I commend the resolution to you."

The joint resolution passes its second (44-0) and third readings and is ordered enrolled.

ENROLLED BILL

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. 681, A JOINT RESOLUTION HONORING THE 250TH ANNIVERSARY OF ROWAN COUNTY AND THE MEMORY OF MATTHEW ROWAN. (Res. 8)

ADDITIONAL SPONSORS

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

S.B. 903, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA DEPARTMENT OF VETERANS AFFAIRS.

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

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S.B. 961, A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX CREDITS FOR RESEARCH AND DEVELOPMENT BY INFORMATION TECHNOLOGY BUSINESSES.

Upon motion of Senator Dannelly, seconded by Senator Brock, the Senate adjourns at 12:20 P.M. to meet, Monday, April 14, at 7:00 P.M.

FORTY-THIRD DAY

Senate Chamber
Monday, April 14, 2003

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 begin this new week, O God, we ask for the presence of your spirit as a source of wisdom and peace. We know that there are always occasions for disagreement when fifty Senators gather to conduct business, but we’re grateful for their passion regarding different causes. Out of the synthesis of discussion, refined visions are even now being formed.

“We also tonight hold in priority up to you our own Senator Garwood who is experiencing health concerns at this time. Be a source of healing and strength to him.

“Now give these, your servants, the priority of seeking to discover and to do your will in all that is before them this week. We pray in your Holy Name, Amen.”

The Chair grants leaves of absence for tonight to Senator Apodaca, Senator Garwood, Senator Metcalf, Senator Webster and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, April 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. Bertram W. Coffey from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day.

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. 394, A BILL TO BE ENTITLED AN ACT ALLOWING A CLAIM FOR EQUITABLE DISTRIBUTION TO SURVIVE THE DEATH OF A SPOUSE WHEN THE PARTIES ARE LIVING SEPARATE AND APART AT THE TIME

OF DEATH AND THE CLAIM IS FILED WITHIN SIX MONTHS OF THE DATE OF DEATH, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40005, which changes the title to read **S.B. 394** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING A CLAIM FOR EQUITABLE DISTRIBUTION TO SURVIVE THE DEATH OF A SPOUSE WHEN THE PARTIES ARE LIVING SEPARATE AND APART AT THE TIME OF DEATH AND THE CLAIM IS TIMELY FILED, is adopted and engrossed.

S.B. 555, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT IT IS A FELONY FOR A SCHOOL SAFETY OFFICER TO HAVE SEXUAL CONTACT OR TAKE INDECENT LIBERTIES WITH A STUDENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40007, is adopted and engrossed.

S.B. 647, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CITIES AND COUNTIES TO, BY RESOLUTION, CREATE A SELF-FUNDED RISK PROGRAM AND THEREBY WAIVE GOVERNMENTAL IMMUNITY FROM CIVIL LIABILITY IN TORT TO THE EXTENT THAT FUNDS ARE AVAILABLE IN THE FUNDED RESERVE FOR THE PAYMENT OF CLAIMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40006, which changes the title to read **S.B. 647** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE STATEWIDE AN ACT CURRENTLY APPLICABLE TO MECKLENBURG AND CATAWBA COUNTIES AND CHARLOTTE AND RALEIGH THAT DEEMS THE CREATION OF A SELF-FUNDED RISK PROGRAM AS THE PURCHASE OF INSURANCE FOR THE PURPOSE OF WAIVING GOVERNMENTAL IMMUNITY, is adopted and engrossed.

CALENDAR

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

S.B. 439 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, April 16.

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:

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

S.B. 460, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE AUTHORIZATION FOR CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW, with a favorable report.

S.B. 421, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND MAKE TECHNICAL CORRECTIONS TO THE CHILD WELFARE LAWS AND TO ENHANCE THE STATE'S ABILITY TO PROTECT CHILDREN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65256, is adopted and engrossed.

S.B. 470, A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE LAW AFFECTING THE COMPENSATION OF TRUSTEES AND OTHER FIDUCIARIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55173, is adopted and engrossed.

S.B. 486, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE N.C. CHILD ALERT NOTIFICATION (NC CAN) SYSTEM AND TO RENAME THAT SYSTEM THE AMBER ALERT SYSTEM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40001, which changes the title to read **S.B. 486** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE NORTH CAROLINA CHILD ALERT NOTIFICATION (NC CAN) SYSTEM AND TO RENAME THAT SYSTEM THE AMBER ALERT SYSTEM, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

S.B. 658, A BILL TO BE ENTITLED AN ACT TO RESOLVE CONFLICTING STATUTES; TO AMEND THE APPELLATE PROCEDURE BEFORE THE STATE BANKING COMMISSION; AND TO AUTHORIZE THE COMMISSIONER OF BANKS TO APPOINT A HEARING OFFICER, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85207, is adopted and engrossed.

S.B. 773, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COMMUNITY COLLEGES TO ENTER INTO PUBLIC/PRIVATE PARTNERSHIPS FOR CONSTRUCTION PROJECTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85208, is adopted and engrossed.

S.B. 775, A BILL TO BE ENTITLED AN ACT TO CONDITIONALLY REQUIRE INSURERS TO PROVIDE INFORMATION REGARDING POLICY PROVISIONS AND POLICY LIMITS PRIOR TO LITIGATION WHEN REQUESTED IN WRITING BY THE PERSONS WHO HAVE CLAIMS, OTHER THAN MEDICAL MALPRACTICE CLAIMS, SUBJECT TO INSURANCE POLICIES AND TO GIVE THESE INSURERS THE OPTION OF INITIATING PRELITIGATION MEDIATION OF THE CLAIMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40009, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

S.B. 814, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on April 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Commerce 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 **Commerce 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 Purcell for the **Health and Human Resources Committee**:

S.B. 519, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65246, is adopted and engrossed.

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

S.B. 445, A BILL TO BE ENTITLED AN ACT AUTHORIZING CLAY COUNTY TO ENGAGE IN JOINT DEVELOPMENT ACTIVITIES WITH A CONTIGUOUS COUNTY IN AN ADJOINING 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 85205, is adopted and engrossed.

S.B. 476, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY MANAGER TO MAKE DECISIONS REGARDING ROUTINE TRAFFIC CONTROL MEASURES, with an

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unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40004, is adopted and engrossed.

S.B. 477, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DURHAM CITY COUNCIL TO DELEGATE AUTHORITY TO THE HOUSING APPEALS BOARD TO HEAR AND DECIDE APPEALS OF TRASH AND OVERGROWN VEGETATION CASES AND OTHER PUBLIC NUISANCES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85204, which changes the title to read **S.B. 477** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY COUNCIL TO AUTHORIZE THE CITY'S HOUSING APPEALS BOARD TO HEAR PUBLIC HEALTH NUISANCES CASES, is adopted and engrossed.

ENROLLED BILL

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

S.B. 338, AN ACT TO REMOVE THE SUNSET ON THE LAW PROVIDING THAT CERTAIN SECONDARY SUPPLIERS OF ELECTRIC SERVICE MAY FURNISH SERVICE WITHIN THE CORPORATE LIMITS OF A CITY WITH WRITTEN CONSENT FROM THE CITY, ALLOWING THE MEMBERS OF AN ELECTRIC MEMBERSHIP CORPORATION TO VOTE BY PROXY ON DECISIONS TO ENCUMBER CORPORATE PROPERTY OR TO DISSOLVE THE CORPORATION, AND MAKING TECHNICAL CHANGES TO THE LAW REGARDING MUNICIPAL ELECTRIC SERVICE.

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. 432, AN ACT PROVIDING THAT STATE EMPLOYEES, PUBLIC SCHOOL EMPLOYEES, AND COMMUNITY COLLEGE EMPLOYEES MAY SHARE LEAVE VOLUNTARILY. (Became law upon approval of the Governor, April 10, 2003–S.L. 2003-9.)

H.B. 482, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE AN ALPHA KAPPA ALPHA SORORITY SPECIAL REGISTRATION PLATE. (Became law upon approval of the Governor, April 10, 2003–S.L. 2003-10.)

H.B. 237, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES TO SUPPORT NURSING SCHOLARSHIPS IN NORTH CAROLINA. (Became law upon approval of the Governor, April 10, 2003–S.L. 2003-11.)

WITHDRAWAL FROM COMMITTEE

S.B. 744, A BILL TO BE ENTITLED AN ACT TO REPEAL THE FELONY MURDER RULE, referred to the **Judiciary I Committee** on April 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Rules and Operations of the Senate 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 **Rules and Operations of the Senate Committee**.

S.B. 90, A BILL TO BE ENTITLED AN ACT RELATING TO THE 46TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 19.

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 Government, Local Government, and Veterans' Affairs 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 Government, Local Government, and Veterans' Affairs Committee**.

CALENDAR *(continued)*

S.B. 357, A BILL TO BE ENTITLED AN ACT TO ALLOW FRANKLIN COUNTY TO ACQUIRE PROPERTY FOR AIRPORT PURPOSES BY USING THE "QUICK TAKE" PROCEDURE, 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, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas and Tillman—45.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Tuesday, April 15, upon third reading.

S.B. 482, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO ANNEX ROADS THAT ARE ADJACENT ON BOTH SIDES TO PROPERTY ALREADY WITHIN THE CITY LIMITS, 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, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas and Tillman—45.

Voting in the negative: None.

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The bill remains on the Calendar for tomorrow, Tuesday, April 15, upon third reading.

H.B. 320, 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, 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, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas and Tillman—45.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Tuesday, April 15, upon third reading.

S.B. 450, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE RELEASE OR REFUND OF CERTAIN PROPERTY TAXES.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 529, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WATER AND SEWER AUTHORITIES TO USE THE SETOFF DEBT COLLECTION ACT.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 592 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA STATE BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS TO ACQUIRE REAL PROPERTY, AND TO INCREASE THE CIVIL PENALTY FROM TWO THOUSAND DOLLARS TO FIVE THOUSAND DOLLARS FOR VIOLATIONS OF THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT AND CLARIFYING THE REINSTATEMENT REQUIREMENTS UNDER THE ACT.

The Committee Substitute bill passes its second reading (45-0).

Senator Berger objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Tuesday, April 15.

S.B. 630, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF A PROTECTIVE ORDER UNDER THE LAWS RELATING TO DOMESTIC VIOLENCE.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 657 (Committee Substitute), A BILL TO BE ENTITLED AN ACT IMPOSING RESTRICTIONS ON THE USE AND OPERATION OF TANNING FACILITIES AND EQUIPMENT.

The Committee Substitute bill passes its second reading (43-2).

Senator Pittenger objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Tuesday, April 15.

S.B. 731, A BILL TO BE ENTITLED AN ACT TO INCREASE THE SIZE OF PACKAGES OF FERTILIZER THAT MAY BE SOLD WITH NUTRIENT GUARANTEES STATED IN FRACTIONAL PERCENTAGES AND TO AUTHORIZE THE BOARD OF AGRICULTURE TO ADOPT TEMPORARY RULES IN ORDER TO ESTABLISH RENTAL RATES FOR THE USE OF FACILITIES OPERATED BY THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

Upon motion of Senator Albertson, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, April 15.

S.B. 786, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN THE PROPERTY OF A RESIDENT OF A STATE INSTITUTION UNDER THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IS LOST, DESTROYED, OR OTHERWISE DAMAGED THROUGH NEGLIGENT HANDLING BY THE INSTITUTION, THE INSTITUTION MAY MAKE DIRECT PAYMENT OR PROVIDE REPLACEMENT OF THE ITEM TO THE RESIDENT WITHOUT RECOURSE TO THE TORT CLAIMS PROCESS IF THE AMOUNT OF DAMAGES IS LESS THAN FIVE HUNDRED DOLLARS.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 35 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE THE PORTION OF CONTRACT MAINTENANCE RESURFACING FUNDS ALLOCATED TO WIDENING EXISTING NARROW PAVEMENTS SCHEDULED FOR RESURFACING TO BE USED TO WIDEN ANY EXISTING NARROW PAVEMENTS AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE HIGHWAY TRUST FUND SECONDARY ROAD PAVING FUNDS ALLOCATED TO EACH COUNTY FOR THE ADDITIONAL PURPOSE OF SAFETY IMPROVEMENTS ON PAVED AND UNPAVED ROADS IN THE SAME COUNTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, referred to the **Appropriations/Base Budget Committee** on March 19.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Wednesday, April 16, 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 Wednesday, April 16.

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CALENDAR (*continued*)

S.B. 959, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO ADOPT RULES REGARDING MONITORING OF COASTAL RECREATION WATERS IN ORDER TO IMPLEMENT THE FEDERAL BEACHES ENVIRONMENTAL ASSESSMENT AND COASTAL HEALTH ACT OF 2000.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 966, A BILL TO BE ENTITLED AN ACT TO REQUIRE INSURERS TO IMPLEMENT SAFEGUARDS FOR THE PROTECTION OF PERSONAL INFORMATION, PURSUANT TO THE PROVISIONS OF THE GRAMM-LEACH-BLILEY ACT.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

H.B. 549, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ELECTION FUND REQUIRED BY THE HELP AMERICA VOTE ACT OF 2002 (HAVA) AS A CONDITION FOR RECEIVING FEDERAL FUNDS UNDER THAT ACT.

The bill passes its second (44-1) and third readings and is ordered enrolled and sent to the Governor by special message.

SENATE PAGES

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

Clayton M. Bennett, Raleigh; Thomas C. Boyd, Raleigh; John Hunter Bratton, Raleigh; Jonathan Leo Crook, Wilson; Chuong Do, Raleigh; Thomas Cody Faison, Raleigh; Gwendolyn Faraday, Kings Mountain; Nathaniel Clark Fetting, Angier; Heather Louise Finch, Bailey; Timothy Lawrence Forson, Dallas; Harry C. Johnson II, Greensboro; Melinda Jones, Laurinburg; Rebecca Lewis, Broadway; Jonas Pinkney, Charlotte; Dustin James Storm, Asheville; Jacob Russell Summey, Trinity; and Derek J. Zika, Statesville.

Upon motion of Senator Basnight, seconded by Senator Allran, the Senate adjourns subject to reading of messages from the House of Representatives, to meet tomorrow, Tuesday, April 15, at 3:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 429 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PAY JUST COMPENSATION FOR REMOVAL OF LAWFULLY ERECTED BUILDINGS, STRUCTURES, OUTDOOR ADVERTISING, OR FIXTURES.

Referred to **Judiciary I Committee**.

H.B. 627 (Committee Substitute), 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 Government, Local Government, and Veterans' Affairs Committee.**

H.B. 645 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT NO GOVERNMENT ENTITY OUTSIDE OF CURRITUCK COUNTY MAY ANNEX ANY PORTION OF CURRITUCK COUNTY, OR EXTEND ITS EXTRATERRITORIAL JURISDICTION INTO CURRITUCK COUNTY.

Referred to **State Government, Local Government, and Veterans' Affairs Committee.**

H.B. 646, A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF CHOOSING THE MEMBERS OF THE CURRITUCK COUNTY GAME COMMISSION.

Referred to **State Government, Local Government, and Veterans' Affairs Committee.**

H.B. 655 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE ON A PORTION OF PEMBROKE CREEK IN CHOWAN COUNTY.

Referred to **State Government, Local Government, and Veterans' Affairs Committee.**

H.B. 679 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF RALEIGH 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, AND TO ALLOW WAKE COUNTY TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT.

Referred to **State Government, Local Government, and Veterans' Affairs Committee.**

H.B. 685, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF SUNSET HARBOR.

Referred to **Finance Committee.**

H.B. 706, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE TO ALLOW THE CITY TO PURCHASE APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT FOR PUBLIC TRANSIT PURPOSES FROM PERSONS OR ENTITIES THAT HAVE RECENTLY MET STATE BIDDING LAW REQUIREMENTS AND PROVIDED APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT TO THE FEDERAL GOVERNMENT, STATE OF NORTH CAROLINA, OR ANOTHER STATE.

Referred to **State Government, Local Government, and Veterans' Affairs Committee.**

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H.B. 776, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO TO GIVE THE CITY MANAGER GREATER AUTHORITY TO APPROVE CERTAIN CONTRACTS.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 790, A BILL TO BE ENTITLED AN ACT REPEALING THE CHARTER FOR THE TOWN OF CASHIERS BECAUSE THE TOWN HAS BEEN INACTIVE SINCE INCORPORATION, AND INCORPORATING THE VILLAGE OF CASHIERS.

Referred to **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 8:14 P.M.

FORTY-FOURTH DAY

Senate Chamber
Tuesday, April 15, 2003

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, situation ethics seems to be the cultural code of conduct in our world. What's right in one situation is wrong in another.

"It is difficult for us to teach our children and model behavior for each other when the parameters of our moral and religious codes are so ill-defined.

"I can't help but believe, O God, that if you had condoned such situation ethics, you would have given Moses something like the Ten Suggestions rather than the Ten Commandments.

"Help us to be instruments of grace, but also remind us when a line needs to be drawn in the sand. For your sake and for your kingdom's sake we pray. Amen."

The Chair grants leaves of absence for today to Senator Hagan, Senator Metcalf and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, April 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. Assad Meymandi 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. 549, AN ACT TO ESTABLISH THE ELECTION FUND REQUIRED BY THE HELP AMERICA VOTE ACT OF 2002 (HAVA) AS A CONDITION FOR RECEIVING FEDERAL FUNDS UNDER THAT ACT.

PRIVILEGES OF THE FLOOR

The President, extends privileges of the floor to Second Grade students from Fred A. Smith Elementary School; Mr. Chris McCabe, Principal of Fred A. Smith Elementary School; and Ms. Tricia Vann, Music Teacher at Fred A. Smith Elementary School. The students sing "Allegiance Rap" and "Our Good Ole American."

The President extends the courtesies of the gallery to Mr. John Ringo, Area Assistant Superintendent.

REPORTS OF COMMITTEES

Bills and resolutions 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. 572, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE EIGHT-YEAR TERMS FOR DISTRICT COURT JUDGES, with a favorable report.

S.B. 688, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF DISTRICT ATTORNEYS, with a favorable report.

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

S.B. 823, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES, with a favorable report.

S.B. 824, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS, with a favorable report.

S.B. 593, A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIA ON CONSTRUCTION OR EXPANSION OF SWINE FARMS, with

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an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75233, is adopted and engrossed.

S.B. 979, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH A MEMBER OF THE GENERAL ASSEMBLY IS APPOINTED TO THE ATLANTIC STATES MARINE FISHERIES COMMISSION AND TO MAKE TECHNICAL, CLARIFYING, AND CONFORMING CHANGES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65260, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

S.B. 557, A BILL TO BE ENTITLED AN ACT REQUIRING A TAXICAB DRIVER TO PASS A CONTROLLED SUBSTANCE EXAMINATION BEFORE BEING LICENSED AS A TAXICAB DRIVER IN THIS STATE, with a favorable report.

S.B. 673, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE BASE TO WHICH THE ADDITIONAL FIRE AND LIGHTNING PREMIUMS TAX RATE APPLIES, with a favorable report.

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

S.B. 676, A BILL TO BE ENTITLED AN ACT TO AMEND THE BANKING LAWS OF NORTH CAROLINA, with a favorable report.

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

S.B. 777, A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW WITH REGARD TO THE MANUFACTURE, SALE, AND DISTRIBUTION OF TRAILERS AND SEMITRAILERS, with a favorable report.

By Senator Lucas for the **Education/Higher Education Committee**:

S.B. 289, A BILL TO BE ENTITLED AN ACT TO PERMIT THE COMMUNITY COLLEGES TO USE LITERACY FUNDS TO PROCURE COMPUTERS FOR LITERACY LABS, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.J.R. 365, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THREE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, with a favorable report.

S.J.R. 366, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, with a favorable report.

CALENDAR

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

S.B. 357, A BILL TO BE ENTITLED AN ACT TO ALLOW FRANKLIN COUNTY TO ACQUIRE PROPERTY FOR AIRPORT PURPOSES BY USING THE "QUICK TAKE" PROCEDURE, upon third reading.

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

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas and Tillman—46.

Voting in the negative: Senator Webster—1.

The bill is ordered sent to the House of Representatives.

S.B. 482, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO ANNEX ROADS THAT ARE ADJACENT ON BOTH SIDES TO PROPERTY ALREADY WITHIN THE CITY LIMITS, upon third reading.

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

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas and Tillman—46.

Voting in the negative: Senator Webster—1.

The bill is ordered sent to the House of Representatives.

S.B. 445 (Committee substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CLAY COUNTY TO ENGAGE IN JOINT DEVELOPMENT ACTIVITIES WITH A CONTIGUOUS COUNTY IN AN ADJOINING STATE.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 476 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY MANAGER TO MAKE DECISIONS REGARDING ROUTINE TRAFFIC CONTROL MEASURES.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 477 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY COUNCIL TO AUTHORIZE THE CITY'S HOUSING APPEALS BOARD TO HEAR PUBLIC HEALTH NUISANCES CASES.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

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H.B. 320, 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, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Webster—46.

Voting in the negative: None.

The bill is ordered enrolled and sent to the Governor.

S.B. 394 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING A CLAIM FOR EQUITABLE DISTRIBUTION TO SURVIVE THE DEATH OF A SPOUSE WHEN THE PARTIES ARE LIVING SEPARATE AND APART AT THE TIME OF DEATH AND THE CLAIM IS TIMELY FILED.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 421 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND MAKE TECHNICAL CORRECTIONS TO THE CHILD WELFARE LAWS AND TO ENHANCE THE STATE'S ABILITY TO PROTECT CHILDREN.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 437, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSING BOARD OF GENERAL CONTRACTORS TO ESTABLISH TEMPORARY RULES THAT ALLOW A LICENSEE TO BID AND CONTRACT DIRECTLY WITH THE OWNER OF A PUBLIC BUILDING PROJECT IN CERTAIN CIRCUMSTANCES.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 460, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE AUTHORIZATION FOR CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 470 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE LAW AFFECTING THE COMPENSATION OF TRUSTEES AND OTHER FIDUCIARIES.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 486 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

AMEND THE LAW REGARDING THE NORTH CAROLINA CHILD ALERT NOTIFICATION (NC CAN) SYSTEM AND TO RENAME THAT SYSTEM THE AMBER ALERT SYSTEM.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 519 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN.

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

The Committee Substitute bill, as amended, passes its second reading (47-0).

Senator Horton objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure, as amended, placed on the Calendar for tomorrow, Wednesday, April 16.

S.B. 522 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE METHOD BY WHICH CERTAIN MEMBERS ON THE NORTH CAROLINA BOARD OF NURSING ARE ELECTED OR APPOINTED, TO MAKE TECHNICAL CHANGES TO THE NURSING PRACTICE ACT, AND TO REQUIRE THAT HEALTH CARE FACILITIES VERIFY THE LICENSURE STATUS OF APPLICANTS SEEKING EMPLOYMENT AS NURSES.

Senator Purcell offers Amendment No. 1 which is adopted (47-0).

The Committee Substitute bill, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 555 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT IT IS A FELONY FOR A SCHOOL SAFETY OFFICER TO HAVE SEXUAL CONTACT OR TAKE INDECENT LIBERTIES WITH A STUDENT.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 647 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE STATEWIDE AN ACT CURRENTLY APPLICABLE TO MECKLENBURG AND CATAWBA COUNTIES AND CHARLOTTE AND RALEIGH THAT DEEMS THE CREATION OF A SELF-FUNDED RISK PROGRAM AS THE PURCHASE OF INSURANCE FOR THE PURPOSE OF WAIVING GOVERNMENTAL IMMUNITY.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 658 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESOLVE CONFLICTING STATUTES; TO AMEND THE APPELLATE PROCEDURE BEFORE THE STATE BANKING COMMISSION; AND TO AUTHORIZE THE COMMISSIONER OF BANKS TO APPOINT A HEARING OFFICER.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

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S.B. 731, A BILL TO BE ENTITLED AN ACT TO INCREASE THE SIZE OF PACKAGES OF FERTILIZER THAT MAY BE SOLD WITH NUTRIENT GUARANTEES STATED IN FRACTIONAL PERCENTAGES AND TO AUTHORIZE THE BOARD OF AGRICULTURE TO ADOPT TEMPORARY RULES IN ORDER TO ESTABLISH RENTAL RATES FOR THE USE OF FACILITIES OPERATED BY THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 773 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COMMUNITY COLLEGES TO ENTER INTO PUBLIC/PRIVATE PARTNERSHIPS FOR CONSTRUCTION PROJECTS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 775 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONDITIONALLY REQUIRE INSURERS TO PROVIDE INFORMATION REGARDING POLICY PROVISIONS AND POLICY LIMITS PRIOR TO LITIGATION WHEN REQUESTED IN WRITING BY THE PERSONS WHO HAVE CLAIMS, OTHER THAN MEDICAL MALPRACTICE CLAIMS, SUBJECT TO INSURANCE POLICIES AND TO GIVE THESE INSURERS THE OPTION OF INITIATING PRELITIGATION MEDIATION OF THE CLAIMS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 592 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA STATE BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS TO ACQUIRE REAL PROPERTY, AND TO INCREASE THE CIVIL PENALTY FROM TWO THOUSAND DOLLARS TO FIVE THOUSAND DOLLARS FOR VIOLATIONS OF THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT AND CLARIFYING THE REINSTATEMENT REQUIREMENTS UNDER THE ACT.

Senator Berger offers Amendment No. 1 which is adopted (47-0), and changes the title to read **S.B. 592** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA STATE BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS TO ACQUIRE REAL PROPERTY, AND TO INCREASE THE CIVIL PENALTY ON ENGINEERS FROM TWO THOUSAND DOLLARS TO FIVE THOUSAND DOLLARS FOR VIOLATIONS OF THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT AND CLARIFYING THE REINSTATEMENT REQUIREMENTS UNDER THE ACT.

The Committee Substitute bill, as amended, passes its third reading (45-2) and is ordered engrossed and sent to the House of Representatives.

S.B. 657 (Committee Substitute), A BILL TO BE ENTITLED AN ACT IMPOSING RESTRICTIONS ON THE USE AND OPERATION OF TANNING FACILITIES AND EQUIPMENT.

The Committee Substitute bill passes its third reading (45-2) and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 102, A BILL TO BE ENTITLED AN ACT RELATING TO THE 30TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 20.

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 Government, Local Government, and Veterans' Affairs 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 Government, Local Government, and Veterans' Affairs Committee**.

S.B. 430, A BILL TO BE ENTITLED AN ACT RELATING TO THE 4TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 17.

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 Government, Local Government, and Veterans' Affairs 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 Government, Local Government, and Veterans' Affairs Committee**.

S.B. 431, A BILL TO BE ENTITLED AN ACT RELATING TO THE 4TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 17.

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

S.B. 433, A BILL TO BE ENTITLED AN ACT RELATING TO THE 4TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 17.

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 **Health and Human 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 **Health and Human Resources Committee**.

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Upon motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns at 4:21 P.M. to meet tomorrow, Wednesday, April 16, at 3:00 P.M.

FORTY-FIFTH DAY

Senate Chamber
Wednesday, April 16, 2003

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

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

"Judgment is a precarious responsibility, O God. Judge not that you be not judged, scripture says. But we know that we are, all of us, judged every day.

"We're judged by you, we're judged by taking a hard look at ourselves, we're judged by those we serve, and by the faces of the unloved in our world.

"Each day finds us at the junction of many roads and we are judged as much by the roads we have not taken as by the roads we have.

"Guide us, Dear Lord, in our judgments today. In your Holy Name we pray, Amen."

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

Senator Rand, announces that the Journal of yesterday, Tuesday, April 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 Deputy President Pro Tempore extends courtesies of the floor to Dr. Paul E. Enochs 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.

ENROLLED BILL

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

H.B. 320, AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS.

The Deputy President Pro Tempore, extends privileges of the floor to The Honorable Frank Ballance, Jr., United States Congressman from the First District.

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. 315, A BILL TO BE ENTITLED AN ACT RELATING TO CONTRACTS OF MINORS FOR ARTISTIC OR CREATIVE SERVICES, with a favorable report, as amended.

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

S.B. 326, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON SOLICITING A VIOLATION OF OR CONSPIRING TO VIOLATE THE LAW MAKING IT A MISDEMEANOR FOR EMPLOYING UNITS TO MAKE FALSE STATEMENTS TO THE EMPLOYMENT SECURITY COMMISSION IS GUILTY OF A FELONY, SO AS TO DETER THE PRACTICE OF STATE EMPLOYMENT TAX AVOIDANCE (SUTA DUMPING), with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75235, which changes the title to read **S.B. 326** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW ON CHANGING THE FORMS OF BUSINESSES FOR UNEMPLOYMENT INSURANCE TAX PURPOSES AND TO INCREASE PENALTIES, SO AS TO DETER THE PRACTICE OF STATE UNEMPLOYMENT TAX AVOIDANCE (SUTA DUMPING), is adopted and engrossed.

S.B. 622, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE USE OF ELECTRONIC SIGNATURES BY PUBLIC AGENCIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35236, which changes the title to read **S.B. 622** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FURTHER PROMOTE E-COMMERCE AND E-GOVERNMENT, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

S.B. 510, A BILL TO BE ENTITLED AN ACT TO REQUIRE INCREASED CUSTOMER SAFETY MEASURES AT UNMANNED AUTOMATIC TELLER MACHINES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65262, which changes the title to read **S.B. 510** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BANKING COMMISSION AND THE ADMINISTRATOR OF CREDIT UNIONS TO ADOPT RULES CONCERNING CUSTOMER SAFETY MEASURES WITH RESPECT TO AUTOMATED TELLER MACHINES LOCATED IN AREAS WHERE THERE IS VEHICULAR TRAFFIC, is adopted and engrossed.

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S.B. 799, A BILL TO BE ENTITLED AN ACT TO REQUIRE TELEPHONE SOLICITORS, WHEN THE TELEPHONE SOLICITOR HAS PREVIOUSLY OBTAINED AN ACCOUNT NUMBER, TO OBTAIN WRITTEN OR VERBAL CONSENT BEFORE CAUSING A NEW CHARGE TO THE ACCOUNT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40012, is adopted and engrossed.

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

S.B. 495, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CARY TO ALLOW THE TOWN TO ACQUIRE PROPERTY FOR THE PRESENT OR FUTURE LOCATION OR RELOCATION OF TELEPHONE, TELEGRAPH, ELECTRIC, OR OTHER LINES TO BE OPERATED BY PUBLIC UTILITIES, with a favorable report.

S.B. 181, A BILL TO BE ENTITLED AN ACT RELATING TO 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 40000, which changes the title to read **S.B. 181** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF APEX TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS, AND TO ADOPT ORDINANCES REGULATING DEMOLITION OF HISTORIC STRUCTURES IN THE APEX HISTORIC DISTRICT, is adopted and engrossed.

By Senator Metcalf for the **Education/Higher Education Committee**:

S.B. 61, A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE PROCEDURE FOR CALCULATING TUITION FOR MILITARY PERSONNEL AND THEIR DEPENDENTS, with a favorable report.

S.B. 656, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE INNOVATIVE EDUCATION INITIATIVES 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 35235, is adopted and engrossed.

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

S.B. 502, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A DEPUTY TO GAIN ACCESS TO THE CONTENTS OF A DECEDENT'S SAFE-DEPOSIT BOX, with a favorable report.

S.B. 774, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DUTIES OF OPERATORS OF SKATEBOARD PARKS, TO ESTABLISH THE DUTIES OF PERSONS WHO ENGAGE IN CERTAIN HAZARDOUS RECREATIONAL

ACTIVITIES, AND TO LIMIT THE LIABILITY OF GOVERNMENTAL ENTITIES FOR DAMAGE OR INJURIES THAT ARISE OUT OF A PERSON'S PARTICIPATION IN CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES AND THAT OCCUR IN AN AREA DESIGNATED FOR CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES, with a favorable report.

S.B. 962, A BILL TO BE ENTITLED AN ACT TO REQUIRE BAIL BONDSMEN TO SUBMIT AFFIDAVITS STATING THAT THERE ARE NO PREMIUMS OWED TO FORMER INSURERS AND THAT ALL FORFEITURES OR JUDGMENTS ARE SATISFIED OR DISCHARGED, with a favorable report.

S.B. 323, A BILL TO BE ENTITLED AN ACT TO PROTECT THE CONFIDENTIALITY OF INFORMATION RECEIVED BY THE LICENSING BOARD FOR GENERAL CONTRACTORS WHILE CONDUCTING AN INVESTIGATION OF A LICENSEE AND TO CLARIFY WHEN THE BOARD MAY SEEK INJUNCTIVE RELIEF, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65263, which changes the title to read **S.B. 323** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE IDENTITY OF A COMPLAINING PARTY AGAINST A LICENSEE OR AN UNLICENSED GENERAL CONTRACTOR BY THE LICENSING BOARD FOR GENERAL CONTRACTORS PRIOR TO A HEARING BY THE BOARD AND TO CLARIFY WHEN THE BOARD MAY SEEK INJUNCTIVE RELIEF, is adopted and engrossed.

S.B. 965 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE THAT CLEAR PROCEEDS OF ALL CIVIL PENALTIES, CIVIL FORFEITURES, AND CIVIL FINES COLLECTED BY A STATE AGENCY ARE REMITTED TO THE CIVIL PENALTY AND FORFEITURE FUND AND FAITHFULLY USED EXCLUSIVELY FOR MAINTAINING FREE PUBLIC SCHOOLS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75238, is adopted and engrossed.

S.B. 424, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS IN A 1997 LAW CONCERNING TUITION WAIVERS, AS RECOMMENDED BY THE GENERAL STATUTES 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 85211, is adopted and engrossed.

S.B. 563, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAWS REGULATING ATHLETE AGENTS AND TO ADOPT THE UNIFORM ATHLETE AGENTS 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 35237, is adopted and engrossed.

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S.B. 619, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A BLOOD ANALYSIS REPORT SENT DIRECTLY TO THE CLERK OF SUPERIOR COURT MAY BE USED AS THE BASIS FOR THE CIVIL REVOCATION OF A DRIVERS LICENSE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35239, is adopted and engrossed.

S.B. 659, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF THE SECRETARY OF STATE TO INCLUDE IN ITS ANNUAL REPORT INFORMATION REGARDING SOLICITATIONS OF CHARITABLE CONTRIBUTIONS THAT INFORMS THE PUBLIC OF THE PERCENTAGES OF THE SOLICITORS' REVENUES THAT CHARITABLE ORGANIZATIONS OR SPONSORS WILL RECEIVE AS BENEFITS FROM SOLICITATION CAMPAIGNS AND TO PROVIDE FOR WIDER DISSEMINATION OF THE ANNUAL REPORT TO THE PUBLIC, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75239, is adopted and engrossed.

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

S.B. 851, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON MAY BE REAPPOINTED TO THE BOARD OF DIRECTORS OF THE ARBORETUM AFTER ONE YEAR'S ABSENCE FROM THE BOARD, with a favorable report.

S.B. 940, A BILL TO BE ENTITLED AN ACT TO PROVIDE JOB PROTECTION FOR VOLUNTEER FIREFIGHTERS, RESCUE SQUAD WORKERS, AND EMERGENCY MEDICAL SERVICES PERSONNEL CALLED INTO THE SERVICE OF THE STATE IN RESPONSE TO A PROCLAMATION OF A STATE OF DISASTER BY THE GOVERNOR OR THE GENERAL ASSEMBLY, OR IN RESPONSE TO AN EMERGENCY SITUATION RESULTING IN THE ACTIVATION OF THE STATE EMERGENCY RESPONSE TEAM, with a favorable report.

H.B. 646, A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF CHOOSING THE MEMBERS OF THE CURRITUCK COUNTY GAME COMMISSION, with a favorable report.

S.B. 706, A BILL TO BE ENTITLED AN ACT TO ALLOW UNC-WILMINGTON TO ADD BLEACHERS TO AN EXISTING ATHLETIC STADIUM WITHOUT HAVING TO CONSTRUCT ADDITIONAL PLUMBING FACILITIES, with a favorable report, as amended.

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

S.B. 492, A BILL TO BE ENTITLED AN ACT TO AMEND AND MODERNIZE THE CHARTER OF THE CITY OF EDEN, with an unfavorable

report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35238, is adopted and engrossed.

CALENDAR

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

S.B. 572, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE EIGHT-YEAR TERMS FOR DISTRICT COURT JUDGES.

Upon motion of Senator Clodfelter, the bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, April 24.

S.J.R. 365, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THREE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

Upon motion of Senator Lucas, the joint resolution is withdrawn from today's Calendar and is re-referred to the **Education/Higher Education Committee**.

S.J.R. 366, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

Upon motion of Senator Lucas, the joint resolution is withdrawn from today's Calendar and is re-referred to the **Education/Higher Education Committee**.

S.B. 593 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIA ON CONSTRUCTION OR EXPANSION OF SWINE FARMS.

Upon motion of Senator Albertson, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, April 17.

S.B. 979 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH A MEMBER OF THE GENERAL ASSEMBLY IS APPOINTED TO THE ATLANTIC STATES MARINE FISHERIES COMMISSION AND TO MAKE TECHNICAL, CLARIFYING, AND CONFORMING CHANGES.

Upon motion of Senator Albertson, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, April 17.

S.B. 35 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE THE PORTION OF CONTRACT MAINTENANCE RESURFACING FUNDS ALLOCATED TO WIDENING EXISTING NARROW PAVEMENTS SCHEDULED FOR RESURFACING TO BE USED TO WIDEN ANY EXISTING NARROW PAVEMENTS AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE HIGHWAY TRUST FUND SECONDARY ROAD PAVING FUNDS ALLOCATED TO EACH COUNTY FOR THE ADDITIONAL

PURPOSE OF SAFETY IMPROVEMENTS ON PAVED AND UNPAVED ROADS IN THE SAME COUNTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The Committee Substitute bill passes its second reading (41-7).

Senator Foxx objects to third reading of the measure. Pursuant to Rule 50, the Deputy President *Pro Tempore*, orders the measure placed on the Calendar for tomorrow, Thursday, April 17.

S.B. 688, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF DISTRICT ATTORNEYS.

Upon motion of Senator Thomas, the bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, April 24.

S.B. 557, A BILL TO BE ENTITLED AN ACT REQUIRING A TAXICAB DRIVER TO PASS A CONTROLLED SUBSTANCE EXAMINATION BEFORE BEING LICENSED AS A TAXICAB DRIVER IN THIS STATE.

The bill passes its second reading (47-1).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the Deputy President *Pro Tempore*, orders the measure placed on the Calendar for tomorrow, Thursday, April 17.

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 Soles for the **Commerce Committee**:

S.B. 813, A BILL TO BE ENTITLED AN ACT RELATING TO THE RECOMMENDATIONS OF THE GOVERNOR'S COMMISSION TO PROMOTE GOVERNMENT EFFICIENCY AND SAVINGS ON STATE SPENDING RELATING TO A FEE FOR THE STATEWIDE ACCOUNTS RECEIVABLE PROGRAM, with a favorable report.

CALENDAR *(continued)*

S.B. 777, A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW WITH REGARD TO THE MANUFACTURE, SALE, AND DISTRIBUTION OF TRAILERS AND SEMITRAILERS.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 823, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 824, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 439 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

Senator Clodfelter offers Amendment No. 1 which is adopted (48-0).

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. 519 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN, 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.

WITHDRAWAL FROM COMMITTEE

S.B. 173, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ORANGE, referred to the **Rules and Operations of the Senate Committee** on February 25.

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. 232, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ORANGE, referred to the **Rules and Operations of the Senate Committee** on February 27.

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 Government, Local Government, and Veterans' Affairs 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 Government, Local Government, and Veterans' Affairs Committee**.

S.B. 1008, A BILL TO BE ENTITLED AN ACT TO REESTABLISH THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH SPEED RAIL COMMISSION, referred to the **Transportation Committee** on April 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Transportation 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 **Transportation Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

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S.B. 623, A BILL TO BE ENTITLED AN ACT RELATING TO ANTI-HACKER ATTACK ANALYSIS, referred to the **Rules and Operations of the Senate Committee** on April 1.

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 Government, Local Government, and Veterans' Affairs 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 Government, Local Government, and Veterans' Affairs Committee**.

S.B. 788, A BILL TO BE ENTITLED AN ACT AMENDING CHAPTER 126 OF THE GENERAL STATUTES, THE STATE PERSONNEL ACT, referred to the **Rules and Operations of the Senate Committee** on April 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State Government, Local Government, and Veterans' Affairs Committee**, and upon a favorable report, 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 **State Government, Local Government, and Veterans' Affairs Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

Upon motion of Senator Rand, seconded by Senator Malone, the Senate adjourns at 4:12 P.M. to meet tomorrow, Thursday, April 17, at 11:00 A.M.

FORTY-SIXTH DAY

Senate Chamber
Thursday, April 17, 2003

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

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

"Loving God, this holy week is about salvation, salvation history. We remember how you rescued us from evil, death, and from our own humanity.

"From Jewish synagogues and homes and great cathedrals to one room rural churches, from the celebration of the Passover to the celebration of the Resurrection, we celebrate differently but with similar acts of gratitude.

"May our acts of worship this week create within us a love for you stronger than sentimentality, a love which seeks to know your will and do it.

"Let this week be a renewal for us of our commitment to you, demonstrated in the living of our lives that offers answers to others of who and whose we are. Amen."

The Chair grants leaves of absence for today to Senator Bingham, Senator Garwood, Senator Rucho, Senator Sloan, and Senator Weinstein.

Senator Dannelly, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, April 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 Pro Tempore of the Senate extends courtesies of the floor to Dr. Richard V. Liles, Jr. from Albemarle, North Carolina, who is serving the Senate as Doctor 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:

H.B. 549, AN ACT TO ESTABLISH THE ELECTION FUND REQUIRED BY THE HELP AMERICA VOTE ACT OF 2002 (HAVA) AS A CONDITION FOR RECEIVING FEDERAL FUNDS UNDER THAT ACT. (Became law upon approval of the Governor, April 16, 2003—S.L. 2003-12.)

CALENDAR

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

S.B. 326 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW ON CHANGING THE FORMS OF BUSINESSES FOR UNEMPLOYMENT INSURANCE TAX PURPOSES AND TO INCREASE PENALTIES, SO AS TO DETER THE PRACTICE OF STATE UNEMPLOYMENT TAX AVOIDANCE (SUTA DUMPING).

Upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 22.

S.B. 323 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE IDENTITY OF A COMPLAINING PARTY AGAINST A LICENSEE OR AN UNLICENSED GENERAL CONTRACTOR BY THE LICENSING BOARD FOR GENERAL CONTRACTORS PRIOR TO A HEARING BY THE BOARD AND TO CLARIFY WHEN THE BOARD MAY SEEK INJUNCTIVE RELIEF.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 22.

S.B. 659 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF THE SECRETARY OF STATE TO INCLUDE IN ITS ANNUAL REPORT INFORMATION REGARDING SOLICITATIONS OF CHARITABLE CONTRIBUTIONS THAT INFORMS THE PUBLIC OF THE PERCENTAGES OF THE SOLICITORS' REVENUES THAT CHARITABLE ORGANIZATIONS OR SPONSORS WILL RECEIVE AS BENEFITS FROM SOLICITATION CAMPAIGNS AND TO PROVIDE FOR WIDER DISSEMINATION OF THE ANNUAL REPORT TO THE PUBLIC.

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Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 22.

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.B. 107, A BILL TO BE ENTITLED AN ACT PROHIBITING AN INSURER FROM AUTHORIZING OR REQUIRING THE USE OF NONORIGINAL CRASH REPAIR PARTS OR NONORIGINAL AUTO GLASS FOR MOTOR VEHICLE REPAIRS WITHOUT THE WRITTEN CONSENT FROM THE INSURED OR CLAIMANT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65266, which changes the title to read **S.B. 107** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING AN INSURER TO DISCLOSE THE USE OF NONORIGINAL CRASH REPAIR PARTS OR NONORIGINAL AUTO GLASS FOR MOTOR VEHICLE REPAIRS, is adopted and engrossed.

Upon motion of Senator Basnight, the Committee Substitute bill is placed on the Calendar for Tuesday, April 22.

S.B. 109, A BILL TO BE ENTITLED AN ACT TO PROHIBIT COUPONING OR WAIVING OF DEDUCTIBLES IN MOTOR VEHICLE GLASS REPAIRS AND AUTOMOTIVE COLLISION REPAIR, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40015, which changes the title to read **S.B. 109** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT COUPONING OR WAIVING OF DEDUCTIBLES IN MOTOR VEHICLE GLASS REPAIR AND AUTOMOTIVE COLLISION REPAIR, is adopted and engrossed.

Upon motion of Senator Basnight, the Committee Substitute bill is placed on the Calendar for Tuesday, April 22.

S.B. 469, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN CONDITIONS PLACED ON EXCLUSIVE AGENCY CONTRACTS FOR THE SALE OF LIFE INSURANCE OR FINANCIAL SERVICES ARE UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE TRADE PRACTICES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75236, is adopted and engrossed.

Upon motion of Senator Basnight, the Committee Substitute bill is placed on the Calendar for Tuesday, April 22.

S.B. 558, A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS AND TRANSFERORS OF MOTOR VEHICLES UNAWARE OF PRIOR

DAMAGE OR WHEN PRIOR DAMAGE WAS MINOR, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55176, is adopted and engrossed.

Upon motion of Senator Basnight, the Committee Substitute bill is placed on the Calendar for Tuesday, April 22.

S.B. 559, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE 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 35240, is adopted and engrossed.

Upon motion of Senator Basnight, the Committee Substitute bill is placed on the Calendar for Tuesday, April 22.

S.B. 995, A BILL TO BE ENTITLED AN ACT TO ALLOW FLEXIBILITY IN SCHOOL CONSTRUCTION AND REPAIR CONTRACTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35243, is adopted and engrossed.

Upon motion of Senator Basnight, the Committee Substitute bill is placed on the Calendar for Tuesday, April 22.

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

S.B. 733, A BILL TO BE ENTITLED AN ACT TO STUDY THE USE OF GENERAL PERMITS FOR ANIMAL WASTE MANAGEMENT SYSTEMS FOR SMALL AND MEDIUM DAIRY, POULTRY, AND ANIMAL OPERATIONS AND RECOMMEND ANY ADDITIONAL PERMIT REQUIREMENTS THAT ARE NEEDED TO PROTECT WATER QUALITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35242, which changes the title to read **S.B. 733** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR EXTENSIONS OF THE EXPIRATION DATES OF CERTAIN GENERAL NONDISCHARGE PERMITS FOR ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE SWINE, CATTLE, AND POULTRY OPERATIONS AND TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE USE OF GENERAL NONDISCHARGE PERMITS FOR ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE SWINE, CATTLE, AND POULTRY OPERATIONS TO PROTECT WATER QUALITY, is adopted and engrossed.

Upon motion of Senator Albertson, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

S.B. 765, A BILL TO BE ENTITLED AN ACT TO LIMIT THE AREA OF WESTERN CORE SOUND THAT MAY BE LEASED FOR THE CULTIVATION OF SHELLFISH AND TO DIRECT THE DIVISION OF MARINE FISHERIES TO REPORT TO THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND

AQUACULTURE ON THE IMPLEMENTATION OF THIS 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 35241, is adopted and engrossed.

Upon motion of Senator Basnight, the Committee Substitute bill is placed on the Calendar for Tuesday, April 22.

S.B. 831, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IMPROVED STAGGERED TERMS OF THE MEMBERS OF THE CLEAN WATER MANAGEMENT FUND BOARD OF TRUSTEES, TO INCREASE THE NUMBER OF MEMBERS OF THE BOARD, AND TO MAKE APPOINTMENTS TO THE BOARD, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40016, is adopted and engrossed.

Upon motion of Senator Basnight, the Committee Substitute bill is placed on the Calendar for Tuesday, April 22.

By Senator Lucas for the **Education/Higher Education Committee**:

S.B. 359, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE FORSYTH COUNTY BOARD OF EDUCATION TO APPLY FOR AND BE GRANTED A CHARTER TO OPERATE A CHARTER 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 40018, is adopted and engrossed.

Upon motion of Senator Basnight, the Committee Substitute bill is placed on the Calendar for Tuesday, April 22.

S.B. 503, A BILL TO BE ENTITLED AN ACT TO UPDATE THE LAWS RELATING TO THE ATTENDANCE AGES AND ELIGIBILITY OF STUDENTS FOR NORTH CAROLINA SCHOOLS FOR THE DEAF, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85210, is adopted and engrossed.

Upon motion of Senator Basnight, the Committee Substitute bill is placed on the Calendar for Tuesday, April 22.

S.B. 714, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT TEACHERS DO NOT LOSE PAY WHILE THEY ARE ON MILITARY DUTY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85213, which changes the title to read **S.B. 714** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT PUBLIC SCHOOL EMPLOYEES DO NOT LOSE PAY WHILE THEY ARE ON MILITARY DUTY, is adopted and engrossed.

Upon motion of Senator Basnight, the Committee Substitute bill is placed on the Calendar for Tuesday, April 22.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 581, A BILL TO BE ENTITLED AN ACT TO ALLOW ELECTROFISHING FOR CATFISH IN COLUMBUS COUNTY.

The bill is placed on the Calendar for Tuesday, April 22.

H.B. 703 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO AND THE GENERAL STATUTES TO INCREASE THE MEMBERSHIP OF THE CITY OF GREENSBORO BOARD OF ALCOHOLIC CONTROL FROM THREE TO FIVE MEMBERS.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 734 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY COUNCIL TO AUTHORIZE THE CITY'S HOUSING APPEALS BOARD TO HEAR PUBLIC HEALTH NUISANCES CASES.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

CALENDAR *(continued)*

S.B. 181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF APEX TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS, AND TO ADOPT ORDINANCES REGULATING DEMOLITION OF HISTORIC STRUCTURES IN THE APEX HISTORIC DISTRICT.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 492 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND AND MODERNIZE THE CHARTER OF THE CITY OF EDEN.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 495, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CARY TO ALLOW THE TOWN TO ACQUIRE PROPERTY FOR THE PRESENT OR FUTURE LOCATION OR RELOCATION OF TELEPHONE, TELEGRAPH, ELECTRIC, OR OTHER LINES TO BE OPERATED BY PUBLIC UTILITIES.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

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H.B. 646, A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF CHOOSING THE MEMBERS OF THE CURRITUCK COUNTY GAME COMMISSION.

The bill passes its second (45-0) and third readings and is ordered enrolled.

S.B. 563 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAWS REGULATING ATHLETE AGENTS AND TO ADOPT THE UNIFORM ATHLETE AGENTS ACT.

Upon motion of Senator Hagan, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 22.

S.B. 61, A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE PROCEDURE FOR CALCULATING TUITION FOR MILITARY PERSONNEL AND THEIR DEPENDENTS.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 315, A BILL TO BE ENTITLED AN ACT RELATING TO CONTRACTS OF MINORS FOR ARTISTIC OR CREATIVE SERVICES.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

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

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

S.B. 6, 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, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40013, is adopted and engrossed.

Upon motion of Senator Basnight, the Committee Substitute bill is placed on the Calendar for Tuesday, April 22.

S.B. 552, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE USE OF PHOTOGRAPHIC SPEED-MEASURING SYSTEMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35245, is adopted and engrossed.

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

S.B. 568, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO MAKE THE SUPERINTENDENT OF PUBLIC INSTRUCTION AN APPOINTEE OF THE GOVERNOR AND TO MAKE CORRESPONDING STATUTORY CHANGES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35246, is adopted and engrossed.

Upon motion of Senator Basnight, the Committee Substitute bill is placed on the Calendar for Tuesday, April 22.

S.B. 912, A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF SEXUAL BATTERY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35244, is adopted and engrossed.

Upon motion of Senator Basnight, the Committee Substitute bill is placed on the Calendar for Tuesday, April 22.

CALENDAR (*continued*)

S.B. 424 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS IN A 1997 LAW CONCERNING TUITION WAIVERS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 502, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A DEPUTY TO GAIN ACCESS TO THE CONTENTS OF A DECEDENT'S SAFE-DEPOSIT BOX.

The bill passes its second (44-1) and third readings and is ordered sent to the House of Representatives.

S.B. 813, A BILL TO BE ENTITLED AN ACT RELATING TO THE RECOMMENDATIONS OF THE GOVERNOR'S COMMISSION TO PROMOTE GOVERNMENT EFFICIENCY AND SAVINGS ON STATE SPENDING RELATING TO A FEE FOR THE STATEWIDE ACCOUNTS RECEIVABLE PROGRAM.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 22.

S.B. 510 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BANKING COMMISSION AND THE ADMINISTRATOR OF CREDIT UNIONS TO ADOPT RULES CONCERNING CUSTOMER SAFETY MEASURES WITH RESPECT TO AUTOMATED TELLER MACHINES LOCATED IN AREAS WHERE THERE IS VEHICULAR TRAFFIC.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

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S.B. 593 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIA ON CONSTRUCTION OR EXPANSION OF SWINE FARMS.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 619 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A BLOOD ANALYSIS REPORT SENT DIRECTLY TO THE CLERK OF SUPERIOR COURT MAY BE USED AS THE BASIS FOR THE CIVIL REVOCATION OF A DRIVERS LICENSE.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

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

S.B. 622 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FURTHER PROMOTE E-COMMERCE AND E-GOVERNMENT.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

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

S.B. 656 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE INNOVATIVE EDUCATION INITIATIVES ACT.

Senator Dorsett offers Amendment No. 1 which is adopted (43-0).

The Committee Substitute bill, as amended, passes its second (43-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 706, A BILL TO BE ENTITLED AN ACT TO ALLOW UNC-WILMINGTON TO ADD BLEACHERS TO AN EXISTING ATHLETIC STADIUM WITHOUT HAVING TO CONSTRUCT ADDITIONAL PLUMBING FACILITIES.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

S.B. 774, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DUTIES OF OPERATORS OF SKATEBOARD PARKS, TO ESTABLISH THE DUTIES OF PERSONS WHO ENGAGE IN CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES, AND TO LIMIT THE LIABILITY OF GOVERNMENTAL ENTITIES FOR DAMAGE OR INJURIES THAT ARISE OUT OF A PERSON'S PARTICIPATION IN CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES AND THAT OCCUR IN AN AREA DESIGNATED FOR CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES.

The bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

S.B. 799 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

REQUIRE TELEPHONE SOLICITORS, WHEN THE TELEPHONE SOLICITOR HAS PREVIOUSLY OBTAINED AN ACCOUNT NUMBER, TO OBTAIN WRITTEN OR VERBAL CONSENT BEFORE CAUSING A NEW CHARGE TO THE ACCOUNT.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

S.B. 851, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON MAY BE REAPPOINTED TO THE BOARD OF DIRECTORS OF THE ARBORETUM AFTER ONE YEAR'S ABSENCE FROM THE BOARD.

The bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

S.B. 940, A BILL TO BE ENTITLED AN ACT TO PROVIDE JOB PROTECTION FOR VOLUNTEER FIREFIGHTERS, RESCUE SQUAD WORKERS, AND EMERGENCY MEDICAL SERVICES PERSONNEL CALLED INTO THE SERVICE OF THE STATE IN RESPONSE TO A PROCLAMATION OF A STATE OF DISASTER BY THE GOVERNOR OR THE GENERAL ASSEMBLY, OR IN RESPONSE TO AN EMERGENCY SITUATION RESULTING IN THE ACTIVATION OF THE STATE EMERGENCY RESPONSE TEAM.

Upon motion of Senator Kerr, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 22.

S.B. 962, A BILL TO BE ENTITLED AN ACT TO REQUIRE BAIL BONDSMEN TO SUBMIT AFFIDAVITS STATING THAT THERE ARE NO PREMIUMS OWED TO FORMER INSURERS AND THAT ALL FORFEITURES OR JUDGMENTS ARE SATISFIED OR DISCHARGED.

Without objection, Senator Apodaca requests to be excused from voting on the bill due to a conflict of interest.

The bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

S.B. 965 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE THAT CLEAR PROCEEDS OF ALL CIVIL PENALTIES, CIVIL FORFEITURES, AND CIVIL FINES COLLECTED BY A STATE AGENCY ARE REMITTED TO THE CIVIL PENALTY AND FORFEITURE FUND AND FAITHFULLY USED EXCLUSIVELY FOR MAINTAINING FREE PUBLIC SCHOOLS.

The Committee Substitute bill passes its second reading by a three-fifths majority vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Fox, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Webster—43.

Voting in the negative: None.

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Senator Stevens objects to third reading of the measure. Pursuant to Rule 50, the President *Pro Tempore*, orders the measure placed on the Calendar for Tuesday, April 22.

S.B. 979 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH A MEMBER OF THE GENERAL ASSEMBLY IS APPOINTED TO THE ATLANTIC STATES MARINE FISHERIES COMMISSION AND TO MAKE TECHNICAL, CLARIFYING, AND CONFORMING CHANGES.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

S.B. 35 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE THE PORTION OF CONTRACT MAINTENANCE RESURFACING FUNDS ALLOCATED TO WIDENING EXISTING NARROW PAVEMENTS SCHEDULED FOR RESURFACING TO BE USED TO WIDEN ANY EXISTING NARROW PAVEMENTS AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE HIGHWAY TRUST FUND SECONDARY ROAD PAVING FUNDS ALLOCATED TO EACH COUNTY FOR THE ADDITIONAL PURPOSE OF SAFETY IMPROVEMENTS ON PAVED AND UNPAVED ROADS IN THE SAME COUNTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The Committee Substitute bill passes its third reading (43-0) and is ordered sent to the House of Representatives.

S.B. 557, A BILL TO BE ENTITLED AN ACT REQUIRING A TAXICAB DRIVER TO PASS A CONTROLLED SUBSTANCE EXAMINATION BEFORE BEING LICENSED AS A TAXICAB DRIVER IN THIS STATE.

The bill passes its third reading (43-0) and is ordered sent to the House of Representatives.

S.B. 733 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR EXTENSIONS OF THE EXPIRATION DATES OF CERTAIN GENERAL NONDISCHARGE PERMITS FOR ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE SWINE, CATTLE, AND POULTRY OPERATIONS AND TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE USE OF GENERAL NONDISCHARGE PERMITS FOR ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE SWINE, CATTLE, AND POULTRY OPERATIONS TO PROTECT WATER QUALITY, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Dannelly, seconded by Senator Metcalf, the Senate adjourns at 12:30 P.M. to meet Monday, April 21, at 7:00 P.M.

FORTY-SEVENTH DAY

Senate Chamber
Monday, April 21, 2003

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, John Adams in a conversation with his granddaughter once admitted, 'The longer I live, the more I read, the more patiently I think, and the more anxiously I inquire, the less I seem to know.'

"Lord, teach us what Adams had learned, that all the knowledge in the world is worthless to us unless we do justice, love mercy, and walk humbly with You. Amen."

The Chair grants leaves of absence for tonight to Senator Bingham, Senator Dorsett, Senator Garwood, Senator Holloman, Senator Jenkins, Senator Pittenger, Senator Reeves, Senator Sloan and Senator Tillman.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, April 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. William W. Hedrick from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Kimberly Gordon from Greensboro, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILL

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

H.B. 646, AN ACT TO CHANGE THE MANNER OF CHOOSING THE MEMBERS OF THE CURRITUCK COUNTY GAME 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. 36, AN ACT TO REPEAL THE LAW THAT AUTHORIZES THE INVOLUNTARY STERILIZATION OF PERSONS WHO ARE MENTALLY ILL OR MENTALLY RETARDED, TO PERMIT THE STERILIZATION OF MENTALLY ILL OR MENTALLY RETARDED WARDS ONLY WHEN THERE IS A MEDICAL NECESSITY, AND TO MAKE CONFORMING CHANGES TO

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THE GENERAL STATUTES. (Became law upon approval of the Governor, April 17, 2003–S.L. 2003-13.)

S.B. 2, AN ACT TO ALLOW CERTAIN APPLICANTS FOR DRIVERS LICENSES TO SUBMIT MEDICAL CERTIFICATES FROM OUT-OF-STATE PHYSICIANS. (Became law upon approval of the Governor, April 19, 2003–S.L. 2003-14.)

S.B. 440, AN ACT TO ALLOW THE COURT TO ISSUE AN ORDER FOR ARREST WHEN A DEFENDANT FAILS TO APPEAR IN COURT AFTER RECEIVING A CITATION FOR A MISDEMEANOR. (Became law upon approval of the Governor, April 19, 2003–S.L. 2003-15.)

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. 629, A BILL TO BE ENTITLED AN ACT RELATING TO THE STATE'S BANKING 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 85216, which changes the title to read **S.B. 629** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE REQUIREMENTS FOR SUBORDINATION AGREEMENTS, is adopted and engrossed.

S.B. 753, A BILL TO BE ENTITLED AN ACT TO AMEND THE QUALIFICATIONS FOR PERSONS NOMINATED AS MAGISTRATES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40021, is adopted and engrossed.

S.B. 772, A BILL TO BE ENTITLED AN ACT TO REPEAL THE EXCEPTION TO THE LAW GOVERNING PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS THAT ALLOWS RETAILERS WHO ARE NOT LICENSED AS PLUMBING, HEATING, OR FIRE SPRINKLER CONTRACTORS TO SELL GOODS AND SERVICES TO BE INSTALLED BY LICENSEES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35247, which changes the title to read **S.B. 772** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW GOVERNING PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS THAT ALLOWS RETAILERS WHO ARE NOT LICENSED AS PLUMBING, HEATING, OR FIRE SPRINKLER CONTRACTORS TO SELL CERTAIN GOODS AND SERVICES TO BE INSTALLED BY LICENSEES, is adopted and engrossed.

By Senator Rand for the **Commerce Committee**:

S.B. 290, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT CITIES MAY ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85215, which changes the title to read **S.B. 290** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE CITY OF GREENSBORO MAY ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS, is adopted and engrossed.

S.B. 521, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE REGULATION OF PYROTECHNIC DISPLAYS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40022, is adopted and engrossed.

S.B. 620, A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL PURCHASING FLEXIBILITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55177, which changes the title to read **S.B. 620** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL PURCHASING FLEXIBILITY AND TO ENCOURAGE THEM TO USE THE NC E-PROCUREMENT SERVICE, is adopted and engrossed.

S.B. 847, A BILL TO BE ENTITLED AN ACT TO CLARIFY LATE AND ADMINISTRATIVE FEES CHARGED TO RESIDENTIAL TENANTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65267, which changes the title to read **S.B. 847** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY LATE FEES CHARGED TO RESIDENTIAL TENANTS AND TO PERMIT MILITARY PERSONNEL DEPLOYED ON CERTAIN TEMPORARY ASSIGNMENTS TO TERMINATE RENTAL AGREEMENTS EARLY, is adopted and engrossed.

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

S.B. 90, A BILL TO BE ENTITLED AN ACT RELATING TO THE 46TH 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 85209, which changes the title to read **S.B. 90** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CLEVELAND COUNTY SANITARY BOARD TO SET COMPENSATION FOR ITS MEMBERS, is adopted and engrossed.

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S.B. 494, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CARRBORO TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY THAT HAVE GATHERINGS OF MORE THAN ONE HUNDRED PEOPLE AND SELL 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 40014, is adopted and engrossed.

WITHDRAWAL FROM CALENDAR

S.B. 494 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CARRBORO TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY THAT HAVE GATHERINGS OF MORE THAN ONE HUNDRED PEOPLE AND SELL ALCOHOLIC BEVERAGES, placed earlier on the Calendar for Tuesday, April 22.

Senator Kinnaird offers a motion that the Committee Substitute bill be withdrawn from the Calendar for Tuesday, April 22, and re-referred to the **State Government, Local Government, and Veterans' Affairs Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the Calendar for Tuesday, April 22, and re-refers the measure to the **State Government, Local Government, and Veterans' Affairs 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 Purcell for the **Health and Human Resources Committee**:

S.B. 648, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN AD HOC CERVICAL CANCER ELIMINATION TASK FORCE TO THE ADVISORY COMMITTEE ON CANCER COORDINATION AND CONTROL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40019, is adopted and engrossed.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 704, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE TRAUMATIC BRAIN INJURY ADVISORY COUNCIL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65265, is adopted and engrossed.

S.B. 876, A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY PRIVATE OR PUBLIC INSTITUTION THAT OFFERS A POSTSECONDARY DEGREE TO PROVIDE MENINGOCOCCAL IMMUNIZATION INFORMATION TO NEWLY

ENROLLED STUDENTS IF THE INSTITUTION HAS A RESIDENTIAL CAMPUS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75241, which changes the title to read **S.B. 876** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY PRIVATE OR PUBLIC INSTITUTION THAT OFFERS A POSTSECONDARY DEGREE TO PROVIDE MENINGOCOCCAL DISEASE IMMUNIZATION INFORMATION TO STUDENTS IF THE INSTITUTION HAS A RESIDENTIAL CAMPUS, is adopted and engrossed.

S.B. 897 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM PRIOR AUTHORIZATION REQUIREMENTS FOR PRESCRIPTION DRUGS UNDER THE MEDICAID PROGRAM ANTIHEMOPHILIC DRUGS PRESCRIBED FOR THE TREATMENT OF HEMOPHILIA AND BLOOD DISORDERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85214, is adopted and engrossed.

S.B. 926, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LICENSING PROCESS FOR NEW GROUP HOME FACILITIES AND FOR THE REIMBURSEMENT OF EDUCATIONAL COSTS BY THE HOME COUNTY TO THE HOST 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 65264, 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 Senator Apodaca:

S.J.R. 1019, A JOINT RESOLUTION ACKNOWLEDGING THE HENDERSON COUNTY EDUCATION FOUNDATION ON ESTABLISHING A HALL OF FAME AND HONORING THE MEMORY OF GLENN C. MARLOW AND HUGH D. RANDALL, FORMER SUPERINTENDENTS AND INDUCTEES OF THE HALL OF FAME.

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

SENATE PAGES

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

Catherine Allran, Hickory; Jesse Alan Blackmon, Hatteras; Melanese Devon Blanchard, Greensboro; Ashley H. Bryan, Fayetteville; Ryan L. Bullock, Stedman; William Christopher Campbell, LaGrange; Monique G. Cooper, Garner; Gary Farrow, Avon; Blair M. Garrison, Fayetteville; Keith H. Gordon, Belmont; Sara Beth

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Heath, Kenansville; Chase Powers Hooper, Buxton; Quinton Ray Porter, Greensboro; Crystal Teniece Riley, Charlotte; Lee Frost Riley, Youngsville; Jesse Scarborough, Avon; Ashleigh Smith, Gastonia; William Blair Thornburg, Jr., Gastonia; James Edward Williams, Greensboro; and Christopher M. Kershaw Williams, Raeford.

Upon motion of Senator Dannelly, seconded by Senator Purcell, the Senate adjourns at 7:28 P.M. subject to receipt of committee reports, to meet tomorrow, Tuesday, April 22, at 3:00 P.M.

FORTY-EIGHTH DAY

Senate Chamber
Tuesday, April 22, 2003

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, change in our world comes so quickly these days, in a committee meeting, in our personal lives, right here on the floor of the Senate. Change is necessary, not one of us likes to feel manipulated into action. Instead we are more likely to be ready for change in an atmosphere of security and trust, like a child who trusts a parent enough to take a first step unaided.

"So we pray that you would help the men and women of the Senate to be effective agents of change, operating in an atmosphere where they learn to appreciate each other's integrity and their friendship. In your Holy Name we pray, Amen."

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

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

The President 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 Clydia Jackson from Wake Forest, 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. 784, AN ACT CONCERNING BONDING OF CERTAIN JUDGMENTS.

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

S.B. 396, ACT TO ANNEX THE RIGHT-OF-WAY OF MCMILLAN STREET TO THE CORPORATE LIMITS OF THE CITY OF RAEFORD.

S.B. 419, AN ACT TO ADD CERTAIN PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHADBOURN.

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. 646, AN ACT TO CHANGE THE MANNER OF CHOOSING THE MEMBERS OF THE CURRITUCK COUNTY GAME COMMISSION. (Became law upon ratification, April 21, 2003—S.L. 2003-16.)

CALENDAR

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

S.B. 620 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL PURCHASING FLEXIBILITY AND TO ENCOURAGE THEM TO USE THE NC E-PROCUREMENT 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, April 23.

S.B. 469 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN CONDITIONS PLACED ON EXCLUSIVE AGENCY CONTRACTS FOR THE SALE OF LIFE INSURANCE OR FINANCIAL SERVICES ARE UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE TRADE PRACTICES.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, April 23.

S.B. 659 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF THE SECRETARY OF STATE TO INCLUDE IN ITS ANNUAL REPORT INFORMATION REGARDING SOLICITATIONS OF CHARITABLE CONTRIBUTIONS THAT INFORMS THE PUBLIC OF THE PERCENTAGES OF THE SOLICITORS' REVENUES THAT CHARITABLE ORGANIZATIONS OR SPONSORS WILL RECEIVE AS BENEFITS FROM SOLICITATION CAMPAIGNS AND TO PROVIDE FOR WIDER DISSEMINATION OF THE ANNUAL REPORT TO THE PUBLIC.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, April 23.

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WITHDRAWAL FROM COMMITTEE

S.B. 216, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS, referred to the **Rules and Operations of the Senate Committee** on February 26.

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**.

S.B. 176, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS, referred to the **Rules and Operations of the Senate Committee** on February 25.

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

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

CALENDAR *(continued)*

S.B. 90 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CLEVELAND COUNTY SANITARY BOARD TO SET COMPENSATION FOR ITS MEMBERS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 290 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE CITY OF GREENSBORO MAY ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 359 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE FORSYTH COUNTY BOARD OF EDUCATION TO APPLY FOR AND BE GRANTED A CHARTER TO OPERATE A CHARTER SCHOOL.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

H.B. 581, A BILL TO BE ENTITLED AN ACT TO ALLOW ELECTROFISHING FOR CATFISH IN COLUMBUS COUNTY.

The bill passes its second (49-0) and third readings and is ordered enrolled.

S.B. 995 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

ALLOW FLEXIBILITY IN SCHOOL CONSTRUCTION AND REPAIR CONTRACTS, upon second reading.

Senator Dorsett offers Amendment No. 1 which is adopted (48-1).

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Webster and Weinstein—49.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow, Wednesday, April 23, upon third reading.

S.B. 6 (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 (48-1) and third readings and is ordered sent to the House of Representatives.

S.B. 107 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING AN INSURER TO DISCLOSE THE USE OF NONORIGINAL CRASH REPAIR PARTS OR NONORIGINAL AUTO GLASS FOR MOTOR VEHICLE REPAIRS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 109 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT COUPONING OR WAIVING OF DEDUCTIBLES IN MOTOR VEHICLE GLASS REPAIR AND AUTOMOTIVE COLLISION REPAIR.

The Committee Substitute bill passes its second (48-1) and third readings and is ordered sent to the House of Representatives.

S.B. 323 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE IDENTITY OF A COMPLAINING PARTY AGAINST A LICENSEE OR AN UNLICENSED GENERAL CONTRACTOR BY THE LICENSING BOARD FOR GENERAL CONTRACTORS PRIOR TO A HEARING BY THE BOARD AND TO CLARIFY WHEN THE BOARD MAY SEEK INJUNCTIVE RELIEF.

Senator Hartsell offers Amendment No. 1 which is adopted (48-0), and changes the title to read **S.B. 323** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE IDENTITY OF A COMPLAINING PARTY AGAINST A LICENSEE OR AN UNLICENSED GENERAL CONTRACTOR BY THE LICENSING BOARD FOR GENERAL CONTRACTORS AND TO CLARIFY WHEN THE BOARD MAY SEEK INJUNCTIVE RELIEF.

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The Committee Substitute bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives.

REPORTS OF COMMITTEES

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

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

S.B. 468, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW GOVERNING THE MODIFICATION AND TERMINATION OF IRREVOCABLE TRUSTS, with a favorable report.

S.B. 881, A BILL TO BE ENTITLED AN ACT TO PERMIT PHASE II PAYMENTS UNDER THE NATIONAL TOBACCO GROWER SETTLEMENT TRUST TO BE PAID WITHOUT REOPENING A DECEDENT'S ESTATE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 549, A BILL TO BE ENTITLED AN ACT TO ADOPT THE REVISED UNIFORM PRINCIPAL AND INCOME 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 75237, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

CALENDAR *(continued)*

S.B. 326 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW ON CHANGING THE FORMS OF BUSINESSES FOR UNEMPLOYMENT INSURANCE TAX PURPOSES AND TO INCREASE PENALTIES, SO AS TO DETER THE PRACTICE OF STATE UNEMPLOYMENT TAX AVOIDANCE (SUTA DUMPING).

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 503 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LAWS RELATING TO THE ATTENDANCE AGES AND ELIGIBILITY OF STUDENTS FOR NORTH CAROLINA SCHOOLS FOR THE DEAF.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 521 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE REGULATION OF PYROTECHNIC DISPLAYS.

Senator Rand offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 558 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS AND TRANSFERORS OF MOTOR VEHICLES UNAWARE OF PRIOR DAMAGE OR WHEN PRIOR DAMAGE WAS MINOR.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 559 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAWS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 563 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAWS REGULATING ATHLETE AGENTS AND TO ADOPT THE UNIFORM ATHLETE AGENTS ACT.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 568 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO MAKE THE SUPERINTENDENT OF PUBLIC INSTRUCTION AN APPOINTEE OF THE GOVERNOR AND TO MAKE CORRESPONDING STATUTORY CHANGES.

The Committee Substitute bill passes its second reading by a three-fifths majority vote, ayes 30, noes 19, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Berger, Bingham, Carrington, Clodfelter, Dalton, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Lucas, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Soles, Stevens, Swindell, Thomas and Weinstein—30.

Voting in the negative: Senators Allran, Apodaca, Ballantine, Blake, Brock, Carpenter, Dannelly, Dorsett, Forrester, Foxx, Garwood, Holloman, Kinnaird, Malone, Rucho, Shubert, Sloan, Smith and Webster—19.

The Committee Substitute bill passes its third reading by a three-fifths majority vote, ayes 31, noes 18, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Berger, Bingham, Carrington, Clodfelter, Dalton, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Lucas, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Soles, Stevens, Swindell, Thomas and Weinstein—31.

Voting in the negative: Senators Allran, Apodaca, Ballantine, Blake, Brock, Carpenter, Dannelly, Dorsett, Forrester, Foxx, Garwood, Kinnaird, Malone, Rucho, Shubert, Sloan, Smith and Webster—18.

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, 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 Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 790, A BILL TO BE ENTITLED AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO STUDY METHODS FOR ENHANCING TROUT FISHING IN WESTERN NORTH CAROLINA, with a favorable report.

Upon motion of Senator Albertson, the bill is re-referred to the **Rules and Operations of the Senate Committee**.

S.B. 751, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSIONER OF AGRICULTURE TO IMPOSE CIVIL PENALTIES FOR VIOLATIONS OF THE NORTH CAROLINA FOOD, DRUG AND COSMETIC 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 40024, is adopted and engrossed.

S.B. 825, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTERS 143 AND 143B OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO THE ENVIRONMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35252, which changes the title to read **S.B. 825** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO PROTECT CERTAIN REPTILES AND AMPHIBIANS THAT REQUIRE CONSERVATION MEASURES, is adopted and engrossed.

Upon motion of Senator Albertson, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

S.B. 848, A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA VETERINARY BOARD TO ENTER INTO AGREEMENTS WITH ORGANIZATIONS THAT HAVE DEVELOPED PROGRAMS FOR IMPAIRED VETERINARY PERSONNEL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40025, which changes the title to read **S.B. 848** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA VETERINARY MEDICAL BOARD TO ENTER INTO AGREEMENTS WITH ORGANIZATIONS THAT HAVE DEVELOPED PROGRAMS FOR IMPAIRED VETERINARY PERSONNEL, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 704 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE TRAUMATIC BRAIN INJURY ADVISORY COUNCIL.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 629 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

CLARIFY THE REQUIREMENTS FOR SUBORDINATION AGREEMENTS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 714 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT PUBLIC SCHOOL EMPLOYEES DO NOT LOSE PAY WHILE THEY ARE ON MILITARY DUTY.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 753 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE QUALIFICATIONS FOR PERSONS NOMINATED AS MAGISTRATES.

The Committee Substitute bill passes its second reading (40-9).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Wednesday, April 23.

S.B. 765 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE AREA OF WESTERN CORE SOUND THAT MAY BE LEASED FOR THE CULTIVATION OF SHELLFISH AND TO DIRECT THE DIVISION OF MARINE FISHERIES TO REPORT TO THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE ON THE IMPLEMENTATION OF THIS ACT.

The Committee Substitute bill passes its second (48-1) and third readings and is ordered sent to the House of Representatives.

S.B. 772 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW GOVERNING PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS THAT ALLOWS RETAILERS WHO ARE NOT LICENSED AS PLUMBING, HEATING, OR FIRE SPRINKLER CONTRACTORS TO SELL CERTAIN GOODS AND SERVICES TO BE INSTALLED BY LICENSEES.

The Committee Substitute bill passes its second (47-2) and third readings and is ordered sent to the House of Representatives.

S.B. 813, A BILL TO BE ENTITLED AN ACT RELATING TO THE RECOMMENDATIONS OF THE GOVERNOR'S COMMISSION TO PROMOTE GOVERNMENT EFFICIENCY AND SAVINGS ON STATE SPENDING RELATING TO A FEE FOR THE STATEWIDE ACCOUNTS RECEIVABLE PROGRAM.

The bill passes its second reading (45-4).

Senator Horton objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Wednesday, April 23.

S.B. 831 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IMPROVED STAGGERED TERMS OF THE MEMBERS OF THE CLEAN WATER MANAGEMENT FUND BOARD OF TRUSTEES, TO INCREASE THE NUMBER OF MEMBERS OF THE BOARD, AND TO MAKE APPOINTMENTS TO THE BOARD.

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The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 847 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY LATE FEES CHARGED TO RESIDENTIAL TENANTS AND TO PERMIT MILITARY PERSONNEL DEPLOYED ON CERTAIN TEMPORARY ASSIGNMENTS TO TERMINATE RENTAL AGREEMENTS EARLY.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 876 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY PRIVATE OR PUBLIC INSTITUTION THAT OFFERS A POSTSECONDARY DEGREE TO PROVIDE MENINGOCOCCAL DISEASE IMMUNIZATION INFORMATION TO STUDENTS IF THE INSTITUTION HAS A RESIDENTIAL CAMPUS.

The Committee Substitute bill passes its second reading (49-0).

Senator Shubert objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Wednesday, April 23.

The Chair grants leaves of absence for the remainder of today's session to Senator Weinstein.

S.B. 897 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM PRIOR AUTHORIZATION REQUIREMENTS FOR PRESCRIPTION DRUGS UNDER THE MEDICAID PROGRAM ANTIHEMOPHILIC DRUGS PRESCRIBED FOR THE TREATMENT OF HEMOPHILIA AND BLOOD DISORDERS.

The Committee Substitute bill passes its second reading (47-1).

Senator Rand objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Wednesday, April 23.

S.B. 912 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF SEXUAL BATTERY.

The Committee Substitute bill passes its second (47-1) and third readings and is ordered sent to the House of Representatives.

S.B. 940, A BILL TO BE ENTITLED AN ACT TO PROVIDE JOB PROTECTION FOR VOLUNTEER FIREFIGHTERS, RESCUE SQUAD WORKERS, AND EMERGENCY MEDICAL SERVICES PERSONNEL CALLED INTO THE SERVICE OF THE STATE IN RESPONSE TO A PROCLAMATION OF A STATE OF DISASTER BY THE GOVERNOR OR THE GENERAL ASSEMBLY, OR IN RESPONSE TO AN EMERGENCY SITUATION RESULTING IN THE ACTIVATION OF THE STATE EMERGENCY RESPONSE TEAM.

Senator Sloan offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 965 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE THAT CLEAR PROCEEDS OF ALL CIVIL PENALTIES, CIVIL FORFEITURES, AND CIVIL FINES COLLECTED BY A STATE AGENCY ARE REMITTED TO THE CIVIL PENALTY AND FORFEITURE FUND AND FAITHFULLY USED EXCLUSIVELY FOR MAINTAINING FREE PUBLIC SCHOOLS.

The Committee Substitute bill passes its third reading by a three-fifths majority vote, ayes 46, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gullely, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Swindell, Thomas and Webster—46.

Voting in the negative: Reeves and Stevens—2.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 825 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO PROTECT CERTAIN REPTILES AND AMPHIBIANS THAT REQUIRE CONSERVATION MEASURES, placed earlier on today's Calendar.

Senator Albertson offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second (45-3) and third readings and is ordered engrossed and sent to the House of Representatives.

WITHDRAWAL OF OBJECTION

S.B. 876 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY PRIVATE OR PUBLIC INSTITUTION THAT OFFERS A POSTSECONDARY DEGREE TO PROVIDE MENINGOCOCCAL DISEASE IMMUNIZATION INFORMATION TO STUDENTS IF THE INSTITUTION HAS A RESIDENTIAL CAMPUS.

Senator Shubert withdraws her previous objection to third reading.

Senator Shubert offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its third reading (48-0) and is ordered engrossed and sent to the House of Representatives.

Upon motion of Senator Basnight, seconded by Senator Dannelly, the Senate adjourns subject to receipt of committee reports and reading of messages from the House of Representatives, to meet tomorrow, Wednesday, April 23, at 3:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 17 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THE PUBLIC SCHOOLS TO PROVIDE CONSUMER EDUCATION IN GRADES NINE THROUGH TWELVE.

Referred to **Education/Higher Education Committee**.

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H.B. 89, A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT APPLYING TO FORSYTH COUNTY CONCERNING FIRE AND RESCUE DISTRICTS, SO THE GENERAL LAW WILL APPLY.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 142, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF SUNSET BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS.

Referred to **Finance Committee**.

H.J.R. 231, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CHARLES BENNETT "C.B." DEANE, FORMER NORTH CAROLINA MEMBER OF CONGRESS.

Referred to **Rules and Operations of the Senate Committee**.

H.B. 273 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT EMPLOYEES WHO RECEIVE VACCINATION AGAINST SMALLPOX INCIDENT TO THE ADMINISTRATION OF SMALLPOX COUNTERMEASURES BY HEALTH PROFESSIONALS UNDER SECTION 304 OF THE FEDERAL HOMELAND SECURITY ACT OF 2002 AND ANY HOUSEHOLD MEMBERS LIVING IN THE HOMES OF THESE VACCINATED EMPLOYEES WILL BE COVERED FOR ADVERSE MEDICAL REACTIONS DUE TO THE VACCINATION.

Referred to **Judiciary I Committee**.

H.B. 345, A BILL TO BE ENTITLED AN ACT TO PERMIT THE STATE BOARD OF EDUCATION TO GRANT OR RENEW SCHOOL CHARTERS FOR A PERIOD OF UP TO TEN YEARS.

Referred to **Education/Higher Education Committee**.

H.B. 351, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF SALISBURY TO ADOPT AND ENFORCE ORDINANCES RELATING TO PARKING.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 516 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF ROCKINGHAM AND STATESVILLE AND THE TOWN OF SMITHFIELD TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 597, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS.

Referred to **Finance Committee**.

H.B. 598, 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.J.R. 606 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CLARENCE LIGHTNER, PROMINENT CIVIC LEADER, POLITICIAN, AND BUSINESSMAN.

Referred to **Rules and Operations of the Senate Committee**.

H.B. 626, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF GREENSBORO AND THE PIEDMONT TRIAD INTERNATIONAL AIRPORT ADMINISTRATION TO AMEND THE BOUNDARIES OF CERTAIN TERRITORY THAT CANNOT BE ANNEXED BY THE CITY UNDER GENERAL LAW.

Referred to **Finance Committee**.

H.B. 668 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE NEW HANOVER COUNTY OCCUPANCY TAX.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 733 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW RETIRED MEMBERS OF THE DURHAM FIREMEN'S SUPPLEMENTAL RETIREMENT SYSTEM TO SERVE ON THE BOARD OF TRUSTEES OF THE SYSTEM AND TO MAKE THE NAME OF THE SYSTEM GENDER-NEUTRAL.

Referred to **Pensions & Retirement and Aging Committee**.

H.B. 744, A BILL TO BE ENTITLED AN ACT TO REQUIRE INSURERS TO INFORM COVERED PERSONS ABOUT ASSISTANCE AVAILABLE FROM THE MANAGED CARE PATIENT ASSISTANCE PROGRAM.

Referred to **Commerce Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 397 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, AND TO IMPLEMENT A STATE BUDGET THAT ENABLES THE STATE TO PROVIDE TAX RELIEF FOR WORKING FAMILIES AND PROTECTS THE STATE'S TRIPLE-A BOND RATING.

Referred to **Appropriations/Base Budget Committee**.

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H.J.R. 1161, A JOINT RESOLUTION ENCOURAGING NASCAR TO RETAIN THE CURRENT FIVE WINSTON CUP RACES IN THIS STATE, TWO AT NORTH CAROLINA SPEEDWAY AND THREE AT LOWE'S MOTOR SPEEDWAY, AND COMMEMORATING NASCAR AND ITS PIONEERS AS NORTH CAROLINA IS THE STOCK CAR RACING CAPITAL OF THE WORLD.

Referred to **Rules and Operations of the Senate Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:57 P.M.

FORTY-NINTH DAY

Senate Chamber
Wednesday, April 23, 2003

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:

"So many people wish to achieve happiness above everything else, O God. For them happiness is too often equated with what one possesses over against what others do not. Forgive us for that kind of thinking.

"It is not our accumulations that satisfy us. We are most happy when we are useful, when we are responsible, when we are honorable, and when we are generous.

"When we give our best in behalf of others, then we shall live contentedly and as you would have us live. In your Holy Name we pray, Amen."

The Chair grants leaves of absence for today to Senator Malone and Senator Shaw.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, April 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 of the Senate extends courtesies of the floor to Dr. Kaissar S. Ibrahim from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

Bills and resolutions 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 Purcell for the **Health and Human Resources Committee**:

S.B. 986, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO WORK WITH THE DEPARTMENT OF PUBLIC INSTRUCTION AND LOCAL EDUCATION AGENCIES TO ENSURE MAXIMUM FUNDING FOR MEDICAID-RELATED SERVICES FOR ELIGIBLE PUBLIC SCHOOL STUDENTS WITH DISABILITIES, with a favorable report.

Upon motion of Senator Purcell, the bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Soles for the **Commerce Committee**:

S.B. 750, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CEILING THAT A SMALL BREWERY MAY PRODUCE WITHOUT BEING REQUIRED TO GO THROUGH A MALT BEVERAGE DISTRIBUTOR, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65271, is adopted and engrossed.

S.B. 758, A BILL TO BE ENTITLED AN ACT TO OPEN UP THE HEALTH INSURANCE MARKET FOR SMALL EMPLOYERS IN NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55182, is adopted and engrossed.

S.B. 771, A BILL TO BE ENTITLED AN ACT TO LIMIT THE USE OF A PERSON'S CREDIT HISTORY FOR DISCOUNTING RATES ON AUTOMOBILE AND HOMEOWNERS' INSURANCE AND TO PROHIBIT THE USE OF A PERSON'S CREDIT HISTORY AS A SOLE BASIS FOR TERMINATING INSURANCE COVERAGE, CEDING AN AUTOMOBILE INSURANCE POLICY TO THE REINSURANCE FACILITY, OR SUBJECTING A POLICY TO CONSENT TO RATE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40030, which changes the title to read **S.B. 771** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE USE OF A PERSON'S CREDIT HISTORY FOR DISCOUNTING RATES ON AUTOMOBILE AND HOMEOWNERS' INSURANCE AND TO PROHIBIT THE USE OF A PERSON'S CREDIT HISTORY AS A SOLE BASIS FOR TERMINATING INSURANCE COVERAGE OR SUBJECTING A POLICY TO CONSENT TO RATE, is adopted and engrossed.

S.B. 846, A BILL TO BE ENTITLED AN ACT ENCOURAGING THE USE OF SOLAR ENERGY SYSTEMS AND PROHIBITING ORDINANCES, COVENANTS, AND OTHER RESTRICTIONS THAT UNREASONABLY RESTRICT THE INSTALLATION OR USE OF SUCH SYSTEMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55180, is adopted and engrossed.

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S.B. 887, A BILL TO BE ENTITLED AN ACT TO MANDATE INSURANCE COVERAGE FOR SURVEILLANCE TESTS FOR WOMEN AGE TWENTY-FIVE AND OLDER AND AT RISK FOR OVARIAN CANCER, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65272, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

S.B. 534, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PAY JUST COMPENSATION FOR REMOVAL OF LAWFULLY ERECTED BUILDINGS, STRUCTURES, OUTDOOR ADVERTISING, OR PERSONAL PROPERTY AND TO AUTHORIZE LOCAL GOVERNMENTS TO ENTER INTO RELOCATION AND RECONSTRUCTION AGREEMENTS WITH OWNERS OF NONCONFORMING PROPERTIES, referred to the **Finance Committee** on March 26.

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**.

REPORTS OF COMMITTEES

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 776, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF EMPLOYEE UNDER THE WORKERS' COMPENSATION 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 55183, is adopted and engrossed.

S.B. 877, A BILL TO BE ENTITLED AN ACT TO MAKE IT A FELONY TO KNOWINGLY OPERATE A CHILD CARE FACILITY ILLEGALLY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85218, which changes the title to read **S.B. 877** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE PENALTIES FOR VIOLATIONS OF THE CHILD CARE FACILITIES ACT, is adopted and engrossed.

S.B. 993, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE ABILITY OF THE STATE BOARD OF EDUCATION TO SAFEGUARD SCHOOLCHILDREN THROUGH A COORDINATED PROGRAM OF PROFESSIONAL ETHICS AND DISCIPLINE THAT INCLUDES THE AUTOMATIC REVOCATION OF TEACHER CERTIFICATES UPON

CONVICTION OF CERTAIN CRIMES, THE USE OF HEARSAY TESTIMONY IN ADMINISTRATIVE HEARINGS TO REVOKE TEACHER CERTIFICATES, AND THE USE OF INVESTIGATIVE SERVICES AS NEEDED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35253, which changes the title to read **S.B. 993** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE ABILITY OF THE STATE BOARD OF EDUCATION TO SAFEGUARD SCHOOLCHILDREN THROUGH AUTOMATIC REVOCATION OF TEACHER CERTIFICATES UPON CONVICTION OF CERTAIN CRIMES, AND THE USE OF INVESTIGATIVE SERVICES AS NEEDED, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 1011, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DUTIES OF PERSONS WHO RECEIVE FOR DISTRIBUTION SUMS RECOVERED FOR PERSONAL INJURY WITH RESPECT TO LIENS IN FAVOR OF HEALTH CARE PROVIDERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85217, which changes the title to read **S.B. 1011** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DUTIES OF PERSONS WHO RECEIVE FOR DISTRIBUTION SUMS RECOVERED FOR PERSONAL INJURY WITH RESPECT TO LIENS IN FAVOR OF PROVIDERS OF HEALTH-RELATED GOODS AND SERVICES, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 707, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR CERTAIN REPEAT OFFENSES OF MISDEMEANOR LARCENY OR SHOPLIFTING, with a favorable report.

S.B. 449, A BILL TO BE ENTITLED AN ACT TO MAKE IT A REBUTTABLE PRESUMPTION THAT THE PERSON WITHDRAWING BLOOD IN AN IMPAIRED DRIVING CASE IS A LICENSED PHYSICIAN, NURSE, OR AN OTHERWISE QUALIFIED PERSON, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65273, which changes the title to read **S.B. 449** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY ADMISSIBLE EVIDENCE THAT THE PERSON WITHDRAWING BLOOD IN AN IMPAIRED DRIVING CASE IS A LICENSED PHYSICIAN, NURSE, OR AN OTHERWISE QUALIFIED PERSON, is adopted and engrossed.

S.B. 693, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING ENHANCED SENTENCES AS RECOMMENDED BY THE SENTENCING COMMISSION AND TO MAKE CONFORMING CHANGES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40027, is adopted and engrossed.

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S.B. 708, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL LAW ENFORCEMENT AGENCIES TO ACCESS THE CRIMINAL INFORMATION NETWORK TO RUN CRIMINAL BACKGROUND CHECKS ON PROSPECTIVE MEMBERS OF VOLUNTEER FIRE DEPARTMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55181, which changes the title to read **S.B. 708** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS ON PROSPECTIVE MEMBERS OF VOLUNTEER FIRE DEPARTMENTS, is adopted and engrossed.

S.B. 722, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE DISPLAY OF THE UNITED STATES FLAG, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65270, is adopted and engrossed.

S.B. 925, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS TO PREVENT SECURITIES FRAUD AND TO CLARIFY THE PROHIBITION ON STATE CONTRACTS 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, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40017, is adopted and engrossed.

By Senator Garwood for the **Education/Higher Education Committee**:

S.B. 583, A BILL TO BE ENTITLED AN ACT TO PROMOTE A HEALTHY TEACHING AND LEARNING ENVIRONMENT BY PROVIDING FOR PUBLIC SCHOOLS TO BE TOBACCO-FREE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55175, which changes the title to read **S.B. 583** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN IN THE PUBLIC SCHOOLS FROM EXPOSURE TO TOBACCO BY REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT WRITTEN POLICIES PROHIBITING THE USE OF TOBACCO PRODUCTS IN PUBLIC SCHOOL BUILDINGS AND SCHOOL FACILITIES, ON THE PUBLIC SCHOOL CAMPUS, AND IN OR ON OTHER SCHOOL PROPERTY, is adopted and engrossed.

S.B. 701, A BILL TO BE ENTITLED AN ACT TO FACILITATE JOB SHARING BY CERTAIN PUBLIC SCHOOL PROFESSIONAL PERSONNEL, with a favorable report.

S.B. 952, A BILL TO BE ENTITLED AN ACT TO MAKE NEW CHALLENGE GRANTS AVAILABLE FROM THE DISTINGUISHED PROFESSORS ENDOWMENT TRUST FUND FOR CERTAIN CONSTITUENT INSTITUTIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35255, is adopted and engrossed.

S.J.R. 366, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, 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 40026, is adopted and engrossed.

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

S.B. 243, A BILL TO BE ENTITLED AN ACT TO NAME THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY, with a favorable report.

S.B. 819, A BILL TO BE ENTITLED AN ACT REGARDING THE USE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC DISTRICT, with a favorable report.

H.B. 645 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT NO GOVERNMENT ENTITY OUTSIDE OF CURRITUCK COUNTY MAY ANNEX ANY PORTION OF CURRITUCK COUNTY, OR EXTEND ITS EXTRATERRITORIAL JURISDICTION INTO CURRITUCK COUNTY, with a favorable report.

S.B. 102, A BILL TO BE ENTITLED AN ACT RELATING TO THE 30TH 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 40008, which changes the title to read **S.B. 102** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A VACANCY OCCURS IN THE OFFICE OF SHERIFF OF SURRY COUNTY, THE BOARD OF COMMISSIONERS SHALL CONSULT WITH THE COUNTY EXECUTIVE COMMITTEE OF THE PARTY WITH WHICH THE SHERIFF WAS ELECTED AS A NOMINEE, AND IF THE EXECUTIVE COMMITTEE MAKES A NOMINATION WITHIN 30 DAYS, THE BOARD OF COMMISSIONERS MUST APPOINT THAT PERSON, is adopted and engrossed.

Upon the appearance of Senator Shaw in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

INTRODUCTION OF A RESOLUTION

A resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

April 23, 2003

By Senator Rand:

S.R. 1020, A SENATE RESOLUTION EXTENDING THE CROSSOVER DEADLINE TO MAY 1, 2003.

Upon motion of Senator Rand, the rules are suspended and the resolution is placed on today's Calendar for immediate consideration. Upon motion of Senator Rand, the Senate Resolution is adopted (47-2).

WITHDRAWAL FROM COMMITTEE

S.B. 552 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE USE OF PHOTOGRAPHIC SPEED-MEASURING SYSTEMS, re-referred to the **Finance Committee** on April 17.

Pursuant to Rule 47(a), Senator Hoyle offers a motion that the Committee Substitute bill be withdrawn from the **Finance Committee** and placed on the Calendar for Tuesday, April 29, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Finance Committee** and places it on the Calendar for Tuesday, April 29.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 469 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN CONDITIONS PLACED ON EXCLUSIVE AGENCY CONTRACTS FOR THE SALE OF LIFE INSURANCE OR FINANCIAL SERVICES ARE UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE TRADE PRACTICES.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 29.

WITHDRAWAL FROM COMMITTEE

S.B. 679, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PUBLIC FINANCING LAWS OF THE STATE, referred to the **Rules and Operations of the Senate Committee** on April 2.

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.J.R. 1019, A JOINT RESOLUTION ACKNOWLEDGING THE HENDERSON COUNTY EDUCATION FOUNDATION ON ESTABLISHING A HALL OF FAME AND HONORING THE MEMORY OF GLENN C. MARLOW AND HUGH D. RANDALL, FORMER SUPERINTENDENTS AND INDUCTEES OF THE HALL OF FAME, referred to the **Rules and Operations of the Senate Committee** on April 21.

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, April 28, 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, April 28.

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. 294, AN ACT TO ALLOW THE CRAVEN COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD TO PROVIDE ITS OWN LAW ENFORCEMENT PERSONNEL AND TO CONTRACT FOR ADDITIONAL LAW ENFORCEMENT SERVICES.

H.B. 581, AN ACT TO ALLOW ELECTROFISHING FOR CATFISH IN COLUMBUS COUNTY.

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. 396, AN ACT TO ANNEX THE RIGHT-OF-WAY OF MCMILLAN STREET TO THE CORPORATE LIMITS OF THE CITY OF RAEFORD. (Became law upon ratification, April 22, 2003—S.L. 2003-17.)

S.B. 419, AN ACT TO ADD CERTAIN PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHADBOURN. (Became law upon ratification, April 22, 2003—S.L. 2003-18.)

CALENDAR *(continued)*

S.B. 995 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW FLEXIBILITY IN SCHOOL CONSTRUCTION AND REPAIR CONTRACTS, as amended upon second reading, upon third reading.

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 468, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW GOVERNING THE MODIFICATION AND TERMINATION OF IRREVOCABLE TRUSTS.

April 23, 2003

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 620 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL PURCHASING FLEXIBILITY AND TO ENCOURAGE THEM TO USE THE NC E-PROCUREMENT SERVICE.

Senator Dorsett offers Amendment No. 1 which is adopted (48-1).

The Committee Substitute bill, as amended, passes its second reading (48-1).

Senator Shubert objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, April 24.

S.B. 659 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF THE SECRETARY OF STATE TO INCLUDE IN ITS ANNUAL REPORT INFORMATION REGARDING SOLICITATIONS OF CHARITABLE CONTRIBUTIONS THAT INFORMS THE PUBLIC OF THE PERCENTAGES OF THE SOLICITORS' REVENUES THAT CHARITABLE ORGANIZATIONS OR SPONSORS WILL RECEIVE AS BENEFITS FROM SOLICITATION CAMPAIGNS AND TO PROVIDE FOR WIDER DISSEMINATION OF THE ANNUAL REPORT TO THE PUBLIC.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 751 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSIONER OF AGRICULTURE TO IMPOSE CIVIL PENALTIES FOR VIOLATIONS OF THE NORTH CAROLINA FOOD, DRUG AND COSMETIC ACT.

The Committee Substitute bill passes its second reading (49-0).

Senator Hagan objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, April 24.

S.B. 848 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA VETERINARY MEDICAL BOARD TO ENTER INTO AGREEMENTS WITH ORGANIZATIONS THAT HAVE DEVELOPED PROGRAMS FOR IMPAIRED VETERINARY PERSONNEL.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 753 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE QUALIFICATIONS FOR PERSONS NOMINATED AS MAGISTRATES.

The Committee Substitute bill passes its third reading (47-2) and is ordered sent to the House of Representatives.

S.B. 813, A BILL TO BE ENTITLED AN ACT RELATING TO THE RECOMMENDATIONS OF THE GOVERNOR'S COMMISSION TO PROMOTE GOVERNMENT EFFICIENCY AND SAVINGS ON STATE SPENDING RELATING TO A FEE FOR THE STATEWIDE ACCOUNTS RECEIVABLE PROGRAM.

Senator Horton offers Amendment No. 1 which is adopted (48-1).

The bill, as amended, passes its third reading (48-1) and is ordered engrossed and sent to the House of Representatives.

S.B. 897 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM PRIOR AUTHORIZATION REQUIREMENTS FOR PRESCRIPTION DRUGS UNDER THE MEDICAID PROGRAM ANTIHEMOPHILIC DRUGS PRESCRIBED FOR THE TREATMENT OF HEMOPHILIA AND BLOOD DISORDERS.

The Committee Substitute bill passes its third reading (49-0) and is ordered sent to the House of Representatives.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 813 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BONNIE E. CONE, FOUNDER OF THE UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE.

The Committee Substitute joint resolution is placed on the Calendar for tomorrow, Thursday, April 24.

Upon motion of Senator Basnight, seconded by Senator Shaw, the Senate adjourns in memory of former Senator Luther H. Jordan, Jr., subject to receipt of committee reports and reading of messages from the House of Representatives, to meet tomorrow, Thursday, April 24, at 12:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 26 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT DEVICES DESIGNED TO COVER REGISTRATION PLATES TO PREVENT THE TAKING OF A CLEAR PHOTOGRAPH BY TRAFFIC CONTROL SYSTEMS USING CAMERAS ARE UNLAWFUL.

Referred to **Transportation Committee**.

H.B. 152 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING CHILD CARE FACILITIES TO PLACE CHILDREN IN A SLEEPING POSITION THAT REDUCES THE RISK OF SUDDEN INFANT DEATH SYNDROME (SIDS), PROHIBITING THE ADMINISTRATION OF MEDICATION TO A CHILD IN A LICENSED OR UNLICENSED CHILD CARE FACILITY WITHOUT PROPER AUTHORIZATION FROM THE CHILD'S PARENT OR GUARDIAN, AND REQUIRING CERTAIN AGENCIES AND THE MEDICAL COMMUNITY TO COOPERATE IN INVESTIGATING REPORTS OF CHILD ABUSE AND NEGLECT IN CHILD CARE FACILITIES.

Referred to **Health and Human Resources Committee**.

H.B. 187, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE

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DISTRIBUTION OF THE PROCEEDS FROM THE TOWN OF NORWOOD AND CITY OF ALBEMARLE ABC SYSTEMS SHALL BE IN ACCORDANCE WITH GENERAL LAW.

Referred to **State Government, Local Government, and Veterans' Affairs Committee.**

H.B. 201 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE BOARD OF ELECTIONS TO NOTIFY EACH CANDIDATE BEFORE THE BALLOT IS PRINTED HOW THAT CANDIDATE'S NAME WILL APPEAR ON THE BALLOT.

Referred to **Judiciary I Committee.**

H.B. 276 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE SUBSTANTIVE AND TECHNICAL AMENDMENTS IN THE LAWS CONCERNING INSURANCE COMPANY SOLVENCY.

Referred to **Commerce Committee.**

H.B. 328 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REVISING REAL ESTATE LICENSING EXAMINATION PROCEDURES, CLARIFYING CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE LICENSEES, AND ENABLING THE REAL ESTATE COMMISSION TO PERMIT LIMITED COMMERCIAL PRACTICE BY NONRESIDENT REAL ESTATE BROKERS.

Referred to **Commerce Committee.**

H.B. 352, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING DRUG SCREENING AND ASSESSMENT OF A CRIMINAL DEFENDANT FOR CHEMICAL DEPENDENCY, AS RECOMMENDED BY THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION.

Referred to **Judiciary II Committee.**

H.B. 354 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN.

Referred to **Health and Human Resources Committee.**

H.B. 357 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT A PERSON THAT ACCEPTS CREDIT, CHARGE, OR DEBIT CARDS FOR THE TRANSACTION OF BUSINESS FROM PRINTING MORE THAN FIVE DIGITS OF A CREDIT, CHARGE, OR DEBIT CARD ACCOUNT NUMBER OR AN EXPIRATION DATE ON A SALES RECEIPT AND TO PROHIBIT A PERSON FROM SELLING A CASH REGISTER OR OTHER MACHINE OR DEVICE THAT ELECTRONICALLY PRINTS RECEIPTS OF CREDIT, CHARGE, OR DEBIT CARD TRANSACTIONS THAT CANNOT BE PROGRAMMED OR OPERATED TO PRODUCE A RECEIPT WITH FIVE OR FEWER DIGITS OF THE CREDIT, CHARGE, OR DEBIT CARD ACCOUNT NUMBER AND NO EXPIRATION DATE PRINTED ON THE RECEIPT.

Referred to **Commerce Committee.**

H.B. 506, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

Referred to **Rules and Operations of the Senate Committee**.

H.B. 571, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF ROCKY MOUNT TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 665, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DUTIES OF THE BOARD OF SCIENCE AND TECHNOLOGY.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 669 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF A "PRIMARY CARE HOSPITAL" TO REFLECT FEDERAL REQUIREMENTS.

Referred to **Health and Human Resources Committee**.

H.B. 674, A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN LOOP.

Referred to **Rules and Operations of the Senate Committee**.

H.B. 710 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD A MEMBER REPRESENTING THE OCCANEECHI BAND OF THE SAPONI NATION TO THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 743, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NURSE TESTIMONIAL PRIVILEGE.

Referred to **Judiciary I Committee**.

H.B. 745, A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP OF THE NORTH CAROLINA INDIAN CULTURAL CENTER BOARD.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 746, A BILL TO BE ENTITLED AN ACT TO AMEND AND MODERNIZE THE LAW NAMING THE INDIAN TRIBES IN THIS STATE BY ADDING CLARIFYING INFORMATION ABOUT REFERENCES TO THE LUMBEE TRIBE AND BY ADDING SECTIONS RECOGNIZING THE MEHERRIN TRIBE AND THE OCCANEECHI BAND OF THE SAPONI NATION.

Referred to **State Government, Local Government, and Veterans' Affairs Committee.**

H.B. 798, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT.

Referred to **Judiciary II Committee.**

H.B. 821, A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE PROCESS OF FILLING A VACANCY ON A PARTY TICKET.

Referred to **Judiciary I Committee.**

H.B. 824 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT ENCROACHMENT ON ITS RIGHTS-OF-WAY FOR THE CONSTRUCTION OF PRIVATE BRIDGES.

Referred to **Transportation Committee.**

H.B. 1205, A BILL TO BE ENTITLED AN ACT TO FACILITATE THE IMPLEMENTATION OF THE "CLEAN SMOKESTACKS ACT" BY EXEMPTING SANITARY LANDFILLS USED FOR THE DISPOSAL OF WASTE GENERATED BY INVESTOR-OWNED PUBLIC UTILITY COAL-FIRED GENERATING UNITS THAT ARE SUBJECT TO THE "CLEAN SMOKESTACKS ACT" FROM THE REQUIREMENT THAT FRANCHISES BE OBTAINED FOR THE OPERATION OF THOSE LANDFILLS.

Referred to **Agriculture/Environment/Natural Resources Committee.**

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:28 P.M.

FIFTIETH DAY

Senate Chamber
Thursday, April 24, 2003

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 days do grow longer in the Senate. In committee rooms or on the floor during some sessions differing and contentious debates do take place.

"One of the Senators asked me to pray for a calmness of spirit within the Body. I remember this story. Scripture says that Jesus was asleep in a boat while a furious storm raged around him and his disciples thought the boat was going to sink. 'Save us,' they said. He responded, 'Why are you afraid?' Jesus asked. Then He rebuked the winds and the sea and there was a great calm.

"The lesson we learn from that story is that for Jesus and I think for us peace and

calmness seems not to mean the absence of struggle but the presence of love even within the storm.

"Grant the Senate that kind of calm in the days ahead. We remember today, also, the family of Senator Ed Warren. Senator Warren, who died last night, was an exemplary member of the Senate and a beloved high school principal and public servant to his constituents. We shall miss him. Amen."

The Chair grants leaves of absence for today to Senator Kerr and Senator Shaw.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, April 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. Damian McHugh from Apex, North Carolina, who is serving the Senate as Doctor of the Day.

The President extends the courtesies of the gallery to The Honorable Richard H. Moore, State Treasurer.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 244, AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO RECOGNIZE RETIRED NURSES BY SPECIAL LICENSURE STATUS AND TO ESTABLISH A FEE FOR THIS STATUS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 30, AN ACT AMENDING THE CHARTER OF THE TOWN OF DALLAS TO AUTHORIZE THE BOARD OF ALDERMEN TO DELEGATE THE AUTHORITY TO SUSPEND OR REMOVE EMPLOYEES.

S.B. 465, AN ACT TO ALLOW THE CITIES OF GOLDSBORO AND HIGH POINT TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING THOSE BUILDINGS PURSUANT TO G.S. 160A-432.

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. 784, AN ACT CONCERNING BONDING OF CERTAIN JUDGMENTS. (Became law upon approval of the Governor, April 23, 2003—S.L. 2003-19.)

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S.B. 294, AN ACT TO ALLOW THE CRAVEN COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD TO PROVIDE ITS OWN LAW ENFORCEMENT PERSONNEL AND TO CONTRACT FOR ADDITIONAL LAW ENFORCEMENT SERVICES. (Became law upon ratification, April 23, 2003–S.L. 2003-20.)

H.B. 581, AN ACT TO ALLOW ELECTROFISHING FOR CATFISH IN COLUMBUS COUNTY. (Became law upon ratification, April 23, 2003–S.L. 2003-21.)

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 572, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE EIGHT-YEAR TERMS FOR DISTRICT COURT JUDGES.

Upon motion of Senator Clodfelter, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 29.

WITHDRAWAL FROM COMMITTEE

S.B. 926 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LICENSING PROCESS FOR NEW GROUP HOME FACILITIES AND FOR THE REIMBURSEMENT OF EDUCATIONAL COSTS BY THE HOME COUNTY TO THE HOST COUNTY, re-referred to the **Appropriations/Base Budget Committee** on April 21.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Tuesday, April 29, 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 Tuesday, April 29.

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 Soles for the **Commerce Committee**:

S.B. 378, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A 311 SYSTEM FOR NONEMERGENCY CALLS AND TO ALLOW MONEY IN THE EMERGENCY TELEPHONE SYSTEM FUND TO ALSO BE USED TO DEVELOP AND MAINTAIN THE 311 SYSTEM, with a favorable report.

S.B. 963, A BILL TO BE ENTITLED AN ACT TO PROHIBIT SELLERS FROM EXCESSIVELY RAISING PRICES ON THEIR MERCHANDISE DURING DECLARED STATES OF DISASTER, with a favorable report.

S.B. 769, A BILL TO BE ENTITLED AN ACT TO ESTABLISH RATE SETTING AND RATE-APPROVAL METHODS FOR THE BEACH PLAN HOMEOWNERS POLICY AND TO PROVIDE INCENTIVES TO BEACH AND COASTAL AREA HOMEOWNERS WHO ESTABLISH AND MAINTAIN RISK PREVENTION AND RISK MITIGATION MEASURES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40029, which changes the title to read **S.B. 769** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH RATE SETTING AND RATE-APPROVAL METHODS FOR THE BEACH PLAN HOMEOWNERS POLICY, TO PROVIDE INCENTIVES TO BEACH AND COASTAL AREA HOMEOWNERS WHO ESTABLISH AND MAINTAIN RISK PREVENTION AND RISK MITIGATION MEASURES, AND TO EXTEND THE DEADLINE FOR ISSUANCE OF THE HOMEOWNERS POLICY PRODUCT BY THE BEACH PLAN, is adopted and engrossed.

S.B. 801, A BILL TO BE ENTITLED AN ACT PROHIBITING EXCLUSIVE TELECOMMUNICATIONS SERVICE PROVIDER AGREEMENTS OR ARRANGEMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55179, which changes the title to read **S.B. 801** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE UTILITIES COMMISSION TO INVESTIGATE EXCLUSIVE TELECOMMUNICATIONS SERVICE PROVIDER AGREEMENTS OR ARRANGEMENTS, is adopted and engrossed.

CALENDAR (*continued*)

S.B. 707, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR CERTAIN REPEAT OFFENSES OF MISDEMEANOR LARCENY OR SHOPLIFTING.

Upon motion of Senator Hartsell, the bill is withdrawn from today's Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

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 Garwood for the **Education/Higher Education Committee**:

S.B. 737, A BILL TO BE ENTITLED AN ACT TO MODIFY THE SCHOOL CALENDAR TO ENSURE TEACHERS HAVE AN OPPORTUNITY TO TAKE ADVANTAGE OF ANNUAL LEAVE THEY HAVE EARNED, with a favorable report.

S.B. 31, A BILL TO BE ENTITLED AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN, 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 65277, is adopted and engrossed.

Pursuant to Rule 43, the bill is re-referred to the **Pensions & Retirement and Aging Committee**.

S.B. 783, A BILL TO BE ENTITLED AN ACT TO PROHIBIT STUDENTS FROM DROPPING OUT OF SCHOOL BEFORE THE AGE OF SEVENTEEN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75243, is adopted and engrossed.

S.B. 886, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES TO ALLOW FOR THE OUTDOOR USE DURING THE SCHOOL DAY OF ARTICLES OF SUN-PROTECTIVE CLOTHING AND TO ALLOW PUPILS TO USE SUNSCREEN DURING THE SCHOOL DAY WITHOUT A PHYSICIAN'S NOTE OR PRESCRIPTION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75244, which changes the title to read **S.B. 886** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES TO ALLOW FOR THE OUTDOOR USE DURING THE SCHOOL DAY OF ARTICLES OF SUN-PROTECTIVE CLOTHING AND TO ALLOW PUPILS TO USE SUNSCREEN DURING THE SCHOOL DAY WITHOUT A PHYSICIAN'S NOTE OR PRESCRIPTION, is adopted and engrossed.

CALENDAR (*continued*)

S.B. 102 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A VACANCY OCCURS IN THE OFFICE OF SHERIFF OF SURRY COUNTY, THE BOARD OF COMMISSIONERS SHALL CONSULT WITH THE COUNTY EXECUTIVE COMMITTEE OF THE PARTY WITH WHICH THE SHERIFF WAS ELECTED AS A NOMINEE, AND IF THE EXECUTIVE COMMITTEE MAKES A NOMINATION WITHIN 30 DAYS, THE BOARD OF COMMISSIONERS MUST APPOINT THAT PERSON.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 243, A BILL TO BE ENTITLED AN ACT TO NAME THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

H.B. 645 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT NO GOVERNMENT ENTITY OUTSIDE OF CURRITUCK COUNTY MAY ANNEX ANY PORTION OF CURRITUCK COUNTY, OR EXTEND ITS EXTRATERRITORIAL JURISDICTION INTO CURRITUCK COUNTY.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered enrolled.

S.J.R. 366 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

The Committee Substitute joint resolution passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

S.B. 83, A BILL TO BE ENTITLED AN ACT RELATING TO THE 11TH 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 40031, which changes the title to read **S.B. 83** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF ROCKY MOUNT TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE, is adopted and engrossed.

S.B. 623, A BILL TO BE ENTITLED AN ACT RELATING TO ANTI-HACKER ATTACK ANALYSIS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85221, which changes the title to read **S.B. 623** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE EVALUATION OF THE STATE'S INFORMATION TECHNOLOGY SECURITY POLICY AND STANDARDS, is adopted and engrossed.

S.B. 494 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CARRBORO TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY THAT HAVE GATHERINGS OF MORE THAN ONE HUNDRED PEOPLE AND SELL ALCOHOLIC BEVERAGES, 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, 35257, is adopted and engrossed.

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CALENDAR (*continued*)

S.B. 449 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY ADMISSIBLE EVIDENCE THAT THE PERSON WITHDRAWING BLOOD IN AN IMPAIRED DRIVING CASE IS A LICENSED PHYSICIAN, NURSE, OR AN OTHERWISE QUALIFIED PERSON.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 688, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF DISTRICT ATTORNEYS.

Upon motion of Senator Thomas, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 29.

S.B. 583 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN IN THE PUBLIC SCHOOLS FROM EXPOSURE TO TOBACCO BY REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT WRITTEN POLICIES PROHIBITING THE USE OF TOBACCO PRODUCTS IN PUBLIC SCHOOL BUILDINGS AND SCHOOL FACILITIES, ON THE PUBLIC SCHOOL CAMPUS, AND IN OR ON OTHER SCHOOL PROPERTY.

Upon motion of Senator Purcell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 29.

S.B. 722 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE DISPLAY OF THE UNITED STATES FLAG.

Upon motion of Senator Kinnaird, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, April 28.

WITHDRAWAL FROM COMMITTEE

S.B. 670, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CREDITABLE SERVICE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM SHALL INCLUDE PERIODS OF EMPLOYER-APPROVED LEAVES OF ABSENCE WHEN IN RECEIPT OF WORKERS' COMPENSATION BENEFITS, referred to the **Commerce Committee** on April 2.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Commerce 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 **Commerce Committee** and re-refers the measure to the **Pensions & Retirement and Aging Committee**.

S.B. 549 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT THE REVISED UNIFORM PRINCIPAL AND INCOME ACT, referred to the **Finance Committee** on April 22.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Finance Committee** and placed on the Calendar for Tuesday, April 29, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Finance Committee** and places it on the Calendar for Tuesday, April 29.

CALENDAR (*continued*)

S.B. 693 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING ENHANCED SENTENCES AS RECOMMENDED BY THE SENTENCING COMMISSION AND TO MAKE CONFORMING CHANGES.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 701, A BILL TO BE ENTITLED AN ACT TO FACILITATE JOB SHARING BY CERTAIN PUBLIC SCHOOL PROFESSIONAL PERSONNEL.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 708 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS ON PROSPECTIVE MEMBERS OF VOLUNTEER FIRE DEPARTMENTS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 750 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CEILING THAT A SMALL BREWERY MAY PRODUCE WITHOUT BEING REQUIRED TO GO THROUGH A MALT BEVERAGE DISTRIBUTOR.

The Committee Substitute bill passes its second (40-8) and third readings and is ordered sent to the House of Representatives.

S.B. 758 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO OPEN UP THE HEALTH INSURANCE MARKET FOR SMALL EMPLOYERS IN NORTH CAROLINA.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 771 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE USE OF A PERSON'S CREDIT HISTORY FOR DISCOUNTING RATES ON AUTOMOBILE AND HOMEOWNERS' INSURANCE AND TO PROHIBIT THE USE OF A PERSON'S CREDIT HISTORY AS A SOLE BASIS FOR TERMINATING INSURANCE COVERAGE OR SUBJECTING A POLICY TO CONSENT TO RATE.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

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By Senator Hartsell for the **Judiciary II Committee**:

S.B. 687, 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, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 471, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING THE SELF-INSURANCE GUARANTY ASSOCIATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65274, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is placed on the Calendar for Tuesday, April 29.

S.B. 692 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN INFORMATION CONCERNING PLANS TO RESPOND TO TERRORIST ACTIVITY ARE NOT SUBJECT TO THE PUBLIC RECORDS OR OPEN MEETINGS 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 85223, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is placed on the Calendar for Tuesday, April 29.

S.B. 716, A BILL TO BE ENTITLED AN ACT TO REPEAL THE UNIFORM ARBITRATION ACT AND TO ENACT THE REVISED UNIFORM ARBITRATION 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 65275, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is placed on the Calendar for Tuesday, April 29.

S.B. 868, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF ASSAULT IN THE PRESENCE OF A CHILD, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85224, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is placed on the Calendar for Tuesday, April 29.

CALENDAR (*continued*)

S.B. 877 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE PENALTIES FOR VIOLATIONS OF THE CHILD CARE FACILITIES ACT.

Upon motion of Senator Purcell, the Committee Substitute bill is withdrawn from

today's Calendar and is placed on the Calendar for Tuesday, April 29.

S.B. 776 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF EMPLOYEE UNDER THE WORKERS' COMPENSATION ACT.

The Committee Substitute bill passes its second (47-1) and third readings and is ordered sent to the House of Representatives,

S.B. 819, A BILL TO BE ENTITLED AN ACT REGARDING THE USE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC DISTRICT.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 846 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ENCOURAGING THE USE OF SOLAR ENERGY SYSTEMS AND PROHIBITING ORDINANCES, COVENANTS, AND OTHER RESTRICTIONS THAT UNREASONABLY RESTRICT THE INSTALLATION OR USE OF SUCH SYSTEMS.

The Committee Substitute bill passes its second reading (40-8).

Senator Smith objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, April 28.

Upon the appearance of Senator Kerr in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

S.B. 887 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MANDATE INSURANCE COVERAGE FOR SURVEILLANCE TESTS FOR WOMEN AGE TWENTY-FIVE AND OLDER AND AT RISK FOR OVARIAN CANCER.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 925 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS TO PREVENT SECURITIES FRAUD AND TO CLARIFY THE PROHIBITION ON STATE CONTRACTS 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 passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 952 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE NEW CHALLENGE GRANTS AVAILABLE FROM THE DISTINGUISHED PROFESSORS ENDOWMENT TRUST FUND FOR CERTAIN CONSTITUENT INSTITUTIONS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1011 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

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CLARIFY THE DUTIES OF PERSONS WHO RECEIVE FOR DISTRIBUTION SUMS RECOVERED FOR PERSONAL INJURY WITH RESPECT TO LIENS IN FAVOR OF PROVIDERS OF HEALTH-RELATED GOODS AND SERVICES.

Senator Berger offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives.

H.J.R. 813 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BONNIE E. CONE, FOUNDER OF THE UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE.

Upon motion of Senator Rucho, the Committee Substitute joint resolution is read in its entirety and, upon motion of Senator Foxx, the remarks of the members are spread upon the Journal, as follows:

Senator Rucho:

“Thank you Madame President. I rise to support House Joint Resolution 813. It memorializes the life of a remarkable and distinguished person, Bonnie Cone. Most of the folks in Charlotte call her Miss Bonnie. Over the ninety-five years of her life, as you can hear by the resolution, there were many accomplishments. I think that is epitomized by what was described in there and I’m going to take a moment just to repeat it if I may and that was the motto that she had on her desk as President and Chancellor of Charlotte College. That is, ‘I am only one, but I am one. I cannot do everything, but I can do something. What I can do, I ought to do. What I ought to do, by the grace of God, I will do.’ Ladies and gentlemen, that is the motto of a person that has accomplishments and that has a duty to the State of North Carolina and its people. A quote by Dick Spangler who is a former president of the UNC System about Miss Bonnie, ‘A forceful woman in a gentle way.’ That is, she had a mission when she envisioned a college and subsequently a university in Charlotte. She was the driving force behind that. In 1965 after operating for two years as the institution of Charlotte College, the Legislature decided to add Bonnie Cone’s Charlotte College to the State University System. She served as acting Chancellor, Vice Chancellor of Student Affairs, and even to the age of 95 she was a fixture at that University. That was a commitment in her life. Chancellor Jim Woodward who was here yesterday and unfortunately we couldn’t get this in time, said that Bonnie Cone, during her memorial service, ‘Though small in stature, she exerted a towering spirit, one that wouldn’t let students give up on themselves, one that wouldn’t let Charlotte College die, and one that inspired an entire community and state to establish a great public university in Charlotte.’ I believe the character and spirit of UNC Charlotte was determined by Bonnie Cone. I hope we never lose that special spirit, where we care equally about our students and their success. Today, UNC Charlotte has 19,000 students, 900 faculty, a thousand acres of land, and ninety buildings, all dedicated to a quality education for the people of our State. I hope you can see why we regard Bonnie Cone, Miss Bonnie, as such a special person, certainly deserving this memorializing resolution. I commend it to you and ask for your support.”

Senator Clodfelter:

“Thank you, Madame President. I will not belabor what Senator Rucho said. I want you to reflect on one thing. In the resolution there’s the phrase, ‘Bonnie Cone was proud of the University she founded.’ I want you to think about the implications

of that phrase in a world today that is so complicated, in which it takes a great deal of effort of many, many people to shape an institution, to move an institution, to bring about a change. To me it's all the more remarkable that something like that can be said of an individual in this day and time, in this modern world, that it is true, that she founded that University. There were efforts of many. It was not the work of one alone, but in another sense it really was the work of Bonnie Cone. I think that's an achievement that is just astonishing to me. It's why, regardless of what happens at that University in the course of the future, it will always be known as 'Miss Bonnie's University' in the truest sense. I hope you will join us in supporting the resolution."

Senator Pittenger:

"I would like to speak regarding Dr. Cone. You know, she was a really nice woman, grew up on a farm. She would feed her chickens and teach them while she fed them. She was a born teacher. She was a pianist, she played the organ, she was bilingual, she was an expert in math and science. She loved to motivate. She loved to teach. One of her students became the CEO of Lance. One of her students became a brain surgeon. One of her students became Mayor of Charlotte. So we're here to honor her and thank her. We're here to honor her for what she did for our community and for what she's done for the State."

The Committee Substitute joint resolution passes its second reading (49-0) and third reading with members standing, and is ordered enrolled.

S.B. 620 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL PURCHASING FLEXIBILITY AND TO ENCOURAGE THEM TO USE THE NC E-PROCUREMENT SERVICE, as amended upon second reading.

The Committee Substitute bill, as amended, passes its third reading (47-2) and is ordered engrossed and sent to the House of Representatives.

S.B. 751 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSIONER OF AGRICULTURE TO IMPOSE CIVIL PENALTIES FOR VIOLATIONS OF THE NORTH CAROLINA FOOD, DRUG AND COSMETIC ACT.

The Committee Substitute bill passes its third reading (49-0) and is ordered sent to the House of Representatives.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 733 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR EXTENSIONS OF THE EXPIRATION DATES OF CERTAIN GENERAL NONDISCHARGE PERMITS FOR ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE SWINE, CATTLE, AND POULTRY OPERATIONS AND TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE USE OF GENERAL NONDISCHARGE PERMITS FOR ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE SWINE, CATTLE, AND POULTRY OPERATIONS TO PROTECT WATER QUALITY, for concurrence in the House Committee Substitute bill.

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Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill is placed before the Senate for immediate consideration upon concurrence.

The Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled and sent to the Governor by special message.

Upon motion of Senator Basnight, seconded by Senator Dalton, the Senate adjourns in memory of former Senator Ed Warren and subject to receipt of committee reports and reading of messages from the House of Representatives, to meet Monday, April 28, at 5:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 13, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN TRANSYLVANIA COUNTY AND TO REQUIRE WRITTEN PERMISSION BEFORE HUNTING ON THE LAND OF ANOTHER IN TRANSYLVANIA COUNTY.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 344 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE MOTOR FLEET MANAGEMENT DIVISION TO USE BEST MANAGEMENT PRACTICES IN OPERATING THE CENTRAL MOTOR POOL, TO USE A FORMULA TO DETERMINE THE MOST COST-EFFECTIVE REPLACEMENT OF VEHICLES, AND TO REPORT SEMIANNUALLY TO THE GENERAL ASSEMBLY ON THE COST SAVINGS RESULTING FROM USE OF THE FORMULA.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 474 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE EMERGENCY PENSION FUND FOR LAW ENFORCEMENT OFFICERS IN MECKLENBURG COUNTY.

Referred to **Pensions & Retirement and Aging Committee**.

H.B. 517 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF HOLLY SPRINGS.

Referred to **Finance Committee**.

H.B. 542, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF CASWELL BEACH, OAK ISLAND, AND OCEAN ISLE BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR THE PURPOSES OF ENGAGING IN BEACH EROSION CONTROL, FLOOD AND HURRICANE PROTECTION WORKS, AND PUBLIC BEACH ACCESS.

Referred to **Finance Committee**.

H.B. 550, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF CERTAIN ROADS IN CRAVEN COUNTY.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 551 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LAWS RELATING TO THE ATTENDANCE AGES AND ELIGIBILITY OF STUDENTS FOR NORTH CAROLINA SCHOOLS FOR THE DEAF.

Referred to **Education/Higher Education Committee**.

H.B. 570 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE CITY OF LUMBERTON FIREMEN'S RELIEF FUND AND SUPPLEMENTARY PENSION FUND.

Referred to **Pensions & Retirement and Aging Committee**.

H.B. 582 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CLAY COUNTY TO ENGAGE IN JOINT DEVELOPMENT ACTIVITIES WITH A CONTIGUOUS COUNTY IN AN ADJOINING STATE.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 689, A BILL TO BE ENTITLED AN ACT CONFORMING RULE 103 OF THE NORTH CAROLINA RULES OF EVIDENCE TO THE CORRESPONDING FEDERAL RULE.

Referred to **Judiciary II Committee**.

H.B. 696, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF WADESBORO TO EXTEND THE MAYOR'S TERM OF OFFICE FROM TWO TO FOUR YEARS AND TO AMEND THE CHARTER OF THE TOWN OF ANSONVILLE TO EXTEND THE MAYOR'S AND COUNCIL MEMBERS' TERMS OF OFFICE FROM TWO TO FOUR YEARS.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 735 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR AND AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 765, A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN CHOWAN COUNTY.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

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H.B. 842 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A SYSTEM FOR ALL NORTH CAROLINA ELECTIONS THAT COMPLIES WITH THE HELP AMERICA VOTE ACT.

Referred to **Judiciary I Committee**.

H.B. 978 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA VETERINARY BOARD TO ENTER INTO AGREEMENTS WITH ORGANIZATIONS THAT HAVE DEVELOPED PROGRAMS FOR IMPAIRED VETERINARY PERSONNEL.

Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 996, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO ADOPT RULES REGARDING MONITORING OF COASTAL RECREATION WATERS IN ORDER TO IMPLEMENT THE FEDERAL BEACHES ENVIRONMENTAL ASSESSMENT AND COASTAL HEALTH ACT OF 2000.

Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 1082, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS.

Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 1083, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES.

Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 1158, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW SPECIFYING THE TYPE OF PISTOLS THAT MAY BE USED FOR HUNTING.

Referred to **Agriculture/Environment/Natural Resources Committee**.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, 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**:

S.B. 796, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCEDURE FOR RESOLUTION OF DISPUTES BETWEEN BOARDS OF EDUCATION AND BOARDS OF COUNTY COMMISSIONERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65269, is adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:20 P.M.

FIFTY-FIRST DAY

Senate Chamber
Monday, April 28, 2003

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"God of hope, though the sights and sounds of the Senate proceedings look the same this afternoon as they have now for several months, we pray that the Senators and staff will look upon their work this week with 'first day of the Session' kind of energy and enthusiasm.

"If there are differences of opinion, let them be honest and direct, yet compassionate and humble.

"For the tasks before them, may they persevere with faith and a good sense of humor in all the tasks that you set before them. Amen."

The Chair grants leaves of absence for tonight to Senator Dorsett and Senator Shaw.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, April 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. Ralph C. Gertsch 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:

S.B. 733, AN ACT TO PROVIDE FOR EXTENSIONS OF THE EXPIRATION DATES OF CERTAIN GENERAL NONDISCHARGE PERMITS FOR ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE SWINE, CATTLE, AND POULTRY OPERATIONS AND TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE USE OF GENERAL NONDISCHARGE PERMITS FOR ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE SWINE, CATTLE, AND POULTRY OPERATIONS TO PROTECT WATER QUALITY.

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. 482, AN ACT TO AUTHORIZE THE CITY OF DURHAM TO ANNEX ROADS THAT ARE ADJACENT ON BOTH SIDES TO PROPERTY ALREADY WITHIN THE CITY LIMITS.

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H.B. 645, AN ACT PROVIDING THAT NO GOVERNMENT ENTITY OUTSIDE OF CURRITUCK COUNTY MAY ANNEX ANY PORTION OF CURRITUCK COUNTY, OR EXTEND ITS EXTRATERRITORIAL JURISDICTION INTO CURRITUCK COUNTY.

H.J.R. 813, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BONNIE E. CONE, FOUNDER OF THE UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE. (Res. 9)

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. 30, AN ACT AMENDING THE CHARTER OF THE TOWN OF DALLAS TO AUTHORIZE THE BOARD OF ALDERMEN TO DELEGATE THE AUTHORITY TO SUSPEND OR REMOVE EMPLOYEES. (Became law upon ratification, April 24, 2003–S.L. 2003-22.)

S.B. 465, AN ACT TO ALLOW THE CITIES OF GOLDSBORO AND HIGH POINT TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND HAVE THE OPTION OF DEMOLISHING THOSE BUILDINGS PURSUANT TO G.S. 160A-432. (Became law upon ratification, April 24, 2003–S.L. 2003-23.)

S.B. 338, AN ACT TO REMOVE THE SUNSET ON THE LAW PROVIDING THAT CERTAIN SECONDARY SUPPLIERS OF ELECTRIC SERVICE MAY FURNISH SERVICE WITHIN THE CORPORATE LIMITS OF A CITY WITH WRITTEN CONSENT FROM THE CITY, ALLOWING THE MEMBERS OF AN ELECTRIC MEMBERSHIP CORPORATION TO VOTE BY PROXY ON DECISIONS TO ENCUMBER CORPORATE PROPERTY OR TO DISSOLVE THE CORPORATION, AND MAKING TECHNICAL CHANGES TO THE LAW REGARDING MUNICIPAL ELECTRIC SERVICE. (Became law upon approval of the Governor, April 24, 2003–S.L. 2003-24.)

H.B. 320, AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS. (Became law upon approval of the Governor, April 24, 2003–S.L. 2003-25.)

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. 577, A BILL TO BE ENTITLED AN ACT TO PERMIT THE MORE EFFICIENT USE OF ALL COURT PERSONNEL RESOURCES THROUGH

CONCURRENT AND REVISED JURISDICTION AND PROCEDURES BY PROVIDING ADDITIONAL AUTHORITY FOR MAGISTRATES AND CLERKS UPON THE AGREEMENT OF THE CHIEF DISTRICT COURT JUDGE AND CLERK OF SUPERIOR COURT, BY AUTHORIZING MAGISTRATES TO DETERMINE INDIGENCY AND ENTITLEMENT TO COUNSEL IN CASES CALENDARED BEFORE THEM, BY AUTHORIZING DISTRICT COURT JUDGES TO ACCEPT GUILTY PLEAS FOR CERTAIN CLASSES OF FELONY, BY PROVIDING FOR CONCURRENT JURISDICTION FOR DISTRICT AND SUPERIOR COURT JUDGES IN INFRACTIONS AND MISDEMEANOR CASES, BY RAISING THE JURISDICTIONAL AMOUNT FOR SMALL CLAIMS, BY AUTHORIZING THE USE OF EXPEDITED CHILD SUPPORT PROCESS UPON THE AGREEMENT OF THE CHIEF DISTRICT COURT JUDGE AND CLERK OF SUPERIOR COURT, AND BY CONFORMING CERTAIN PROCEDURAL REQUIREMENTS IN ACTIONS FOR ABSOLUTE DIVORCE TO THE REQUIREMENTS IN OTHER CIVIL CASES, AS RECOMMENDED BY THE STATE JUDICIAL COUNCIL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40020, is adopted and engrossed.

S.B. 919, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE SAFETY OF VICTIMS IN SERIOUS DOMESTIC VIOLENCE CASES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55186, is adopted and engrossed.

S.B. 996, A BILL TO BE ENTITLED AN ACT TO BAN SEXUALLY EXPLICIT CONDUCT ON PREMISES LICENSED BY THE ALCOHOLIC BEVERAGE CONTROL 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 85222, which changes the title to read **S.B. 996** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT THE NEGATIVE SECONDARY EFFECTS CAUSED BY SEXUALLY EXPLICIT CONDUCT ON PREMISES LICENSED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION, is adopted and engrossed.

CALENDAR

Bills and a resolution on tonight's Calendar are taken up and disposed of, as follows:

S.B. 783 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT STUDENTS FROM DROPPING OUT OF SCHOOL BEFORE THE AGE OF SEVENTEEN.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

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WITHDRAWAL FROM COMMITTEE

S.B. 974, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS, referred to the **Rules and Operations of the Senate Committee** on April 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **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**.

S.B. 319, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CABARRUS, referred to the **Rules and Operations of the Senate Committee** on March 6.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State Government, Local Government, and Veterans' Affairs 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 Government, Local Government, and Veterans' Affairs Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Purcell for the **Health and Human Resources Committee**:

S.B. 388, A BILL TO BE ENTITLED AN ACT TO UPDATE NORTH CAROLINA GENERAL STATUTES IN RESPONSE TO RECENT MEDICAL ADVANCES IN SCREENING FOR THE EARLY DETECTION OF CERVICAL CANCER, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85220, is adopted and engrossed.

By Senator Garwood for the **Education/Higher Education Committee**:

S.B. 697, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NORTH CAROLINA COMMUNITY COLLEGES INSTRUCTIONAL TRUST FUND, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35256, is adopted and engrossed.

By Senator Garrou for the **Appropriations/Base Budget Committee**:

H.B. 397 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS AND CAPITAL

IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, AND TO IMPLEMENT A STATE BUDGET THAT ENABLES THE STATE TO PROVIDE TAX RELIEF FOR WORKING FAMILIES AND PROTECTS THE STATE'S TRIPLE-A BOND RATING, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill, with Committee Amendments No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, and No. 7.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30292, with Committee Amendments No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, and No. 7, which changes the title to read **H.B. 397** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, AND TO IMPLEMENT A STATE BUDGET THAT ENABLES THE STATE TO PROVIDE A SUSTAINABLE RECOVERY THROUGH STRONG EDUCATIONAL AND ECONOMIC TOOLS, is adopted and engrossed.

Upon motion of Senator Garrou, the Senate Committee Substitute bill, with unengrossed amendments, is re-referred to the **Pensions & Retirement and Aging Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 124, A BILL TO BE ENTITLED AN ACT RELATING TO THE 13TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 24.

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 Government, Local Government, and Veterans' Affairs 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 Government, Local Government, and Veterans' Affairs Committee**.

CALENDAR *(continued)*

S.B. 83 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF ROCKY MOUNT TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 378, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A 311 SYSTEM FOR NONEMERGENCY CALLS AND TO ALLOW MONEY IN THE EMERGENCY TELEPHONE SYSTEM FUND TO ALSO BE USED TO DEVELOP AND MAINTAIN THE 311 SYSTEM.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

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S.B. 494 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CARRBORO TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY THAT HAVE GATHERINGS OF MORE THAN ONE HUNDRED PEOPLE AND SELL ALCOHOLIC BEVERAGES.

The Committee Substitute bill No. 2 passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 600, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ISSUE RULES REQUIRING FIRE SUPPRESSION EQUIPMENT IN ALL SCHOOL BUSES, referred to the **Education/Higher Education Committee** on March 31.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Education/Higher Education Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Education/Higher Education Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

S.B. 1000, A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO STUDY THE OPTIONS FOR ESTABLISHING A SCHOOL OF ENGINEERING AT FAYETTEVILLE STATE UNIVERSITY AND TO BEGIN THE FIRST PHASE OF ESTABLISHING A SCHOOL OF ENGINEERING AT FAYETTEVILLE STATE UNIVERSITY, referred to the **Education/Higher Education Committee** on April 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Education/Higher Education 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 **Education/Higher Education Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

The Senate recesses at 5:20 P.M. for the purpose of a Pensions & Retirement and Aging Committee.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

CALENDAR *(continued)*

S.B. 623 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE EVALUATION OF THE STATE'S INFORMATION TECHNOLOGY SECURITY POLICY AND STANDARDS.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 74, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on February 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 **State Government, Local Government, and Veterans' Affairs 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 Government, Local Government, and Veterans' Affairs Committee**.

CALENDAR *(continued)*

S.B. 722 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE DISPLAY OF THE UNITED STATES FLAG.

Senator Kinnaird offers Amendment No. 1 which is adopted (47-0).

The Committee Substitute bill, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Gulley for the **Transportation Committee**:

S.B. 291, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65279, is adopted and engrossed.

S.B. 377, A BILL TO BE ENTITLED AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING AGGREGATES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65280, which changes the title to read **S.B. 377** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE WEIGHT LIMITS AND PENALTIES FOR TRUCKS TRANSPORTING BULK COMMODITIES, is adopted and engrossed.

Upon motion of Senator Gulley, the Committee Substitute bill is re-referred to the **Rules and Operations of the Senate Committee**.

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S.B. 935, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MILITARY DRIVERS LICENSE EXPIRATION PROCEDURE WITHIN THE DIVISION OF MOTOR VEHICLES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65278, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 737, A BILL TO BE ENTITLED AN ACT TO MODIFY THE SCHOOL CALENDAR TO ENSURE TEACHERS HAVE AN OPPORTUNITY TO TAKE ADVANTAGE OF ANNUAL LEAVE THEY HAVE EARNED.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 769 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH RATE SETTING AND RATE-APPROVAL METHODS FOR THE BEACH PLAN HOMEOWNERS POLICY, TO PROVIDE INCENTIVES TO BEACH AND COASTAL AREA HOMEOWNERS WHO ESTABLISH AND MAINTAIN RISK PREVENTION AND RISK MITIGATION MEASURES, AND TO EXTEND THE DEADLINE FOR ISSUANCE OF THE HOMEOWNERS POLICY PRODUCT BY THE BEACH PLAN.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 796 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCEDURE FOR RESOLUTION OF DISPUTES BETWEEN BOARDS OF EDUCATION AND BOARDS OF COUNTY COMMISSIONERS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 214, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on February 26.

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**.

CALENDAR *(continued)*

S.B. 801 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE UTILITIES COMMISSION TO INVESTIGATE EXCLUSIVE TELECOMMUNICATIONS SERVICE PROVIDER AGREEMENTS OR ARRANGEMENTS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

The Senate recesses at 5:45 P.M. subject to receipt of committee reports, for the purpose of a Finance Committee meeting.

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 Hagan for the **Pensions & Retirement and Aging Committee**:

S.B. 162, A BILL TO BE ENTITLED AN ACT TO REPEAL THE FAYETTEVILLE FIREMEN'S SUPPLEMENTAL RETIREMENT BENEFIT FUND, with a favorable report.

H.B. 397 (Senate Committee Substitute with amendments), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, AND TO IMPLEMENT A STATE BUDGET THAT ENABLES THE STATE TO PROVIDE A SUSTAINABLE RECOVERY THROUGH STRONG EDUCATIONAL AND ECONOMIC TOOLS, with a favorable report.

Upon motion of Senator Hagan, the Senate Committee Substitute bill with amendments is re-referred to the **Finance Committee**.

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 Clodfelter for the **Judiciary I Committee**:

S.B. 19, A BILL TO BE ENTITLED AN ACT TO PERMIT CERTAIN TOWNSHIP ABC ELECTIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85225, which changes the title to read **S.B. 19** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING TOWNSHIP ABC ELECTIONS IN CERTAIN TOWNSHIPS, is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

H.B. 397 (Senate Committee Substitute with amendments), A BILL TO BE

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ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, AND TO IMPLEMENT A STATE BUDGET THAT ENABLES THE STATE TO PROVIDE A SUSTAINABLE RECOVERY THROUGH STRONG EDUCATIONAL AND ECONOMIC TOOLS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendments No. 8, No. 9, No. 10, No. 11, and No. 12 are adopted and engrossed (Appropriations/Base Budget Committee Amendments No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, and No. 7 are engrossed.)

CALENDAR (*continued*)

S.B. 886 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES TO ALLOW FOR THE OUTDOOR USE DURING THE SCHOOL DAY OF ARTICLES OF SUN-PROTECTIVE CLOTHING AND TO ALLOW PUPILS TO USE SUNSCREEN DURING THE SCHOOL DAY WITHOUT A PHYSICIAN'S NOTE OR PRESCRIPTION.

Senator Carpenter offers Amendment No. 1 which is adopted (46-0).

Upon motion of Senator Kerr, the President orders, without objection, the Committee Substitute bill, as amended, temporarily displaced.

S.B. 963, A BILL TO BE ENTITLED AN ACT TO PROHIBIT SELLERS FROM EXCESSIVELY RAISING PRICES ON THEIR MERCHANDISE DURING DECLARED STATES OF DISASTER.

Senator Swindell offers Amendment No. 1 which is adopted (45-2).

Having voted with the majority, Senator Rand offers a motion that the vote by which Amendment No. 1 was adopted be reconsidered, which motion prevails (45-1).

Senator Swindell offers Amendment No. 1, as corrected, which is adopted (46-1).

The Committee Substitute bill, as amended, passes its second (42-5) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 886 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES TO ALLOW FOR THE OUTDOOR USE DURING THE SCHOOL DAY OF ARTICLES OF SUN-PROTECTIVE CLOTHING AND TO ALLOW PUPILS TO USE SUNSCREEN DURING THE SCHOOL DAY WITHOUT A PHYSICIAN'S NOTE OR PRESCRIPTION, temporarily displaced earlier.

Senator Kerr offers Amendment No. 2 which is adopted (47-0).

The Committee Substitute bill, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.J.R. 1019, A JOINT RESOLUTION ACKNOWLEDGING THE HENDERSON COUNTY EDUCATION FOUNDATION ON ESTABLISHING A HALL OF FAME AND HONORING THE MEMORY OF GLENN C. MARLOW AND HUGH D. RANDALL, FORMER SUPERINTENDENTS AND INDUCTEES OF THE HALL OF FAME.

The joint resolution passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

WITHDRAWAL FROM COMMITTEE

S.B. 993 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE ABILITY OF THE STATE BOARD OF EDUCATION TO SAFEGUARD SCHOOLCHILDREN THROUGH AUTOMATIC REVOCATION OF TEACHER CERTIFICATES UPON CONVICTION OF CERTAIN CRIMES, AND THE USE OF INVESTIGATIVE SERVICES AS NEEDED, referred to the **Finance Committee** on April 23.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Finance Committee** and placed on the Calendar for Wednesday, April 30, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Finance Committee** and places it on the Calendar for Wednesday, April 30.

CALENDAR (*continued*)

S.B. 846 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ENCOURAGING THE USE OF SOLAR ENERGY SYSTEMS AND PROHIBITING ORDINANCES, COVENANTS, AND OTHER RESTRICTIONS THAT UNREASONABLY RESTRICT THE INSTALLATION OR USE OF SUCH SYSTEMS.

Senator Smith offers Amendment No. 1 which is adopted (47-0).

The Committee Substitute bill, as amended, passes its third reading (46-1) and is ordered engrossed and sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 648 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN AD HOC CERVICAL CANCER ELIMINATION TASK FORCE TO THE ADVISORY COMMITTEE ON CANCER COORDINATION AND CONTROL, referred to the **Appropriations/Base Budget Committee** on April 21.

Pursuant to Rule 47(a), Senator Hagan offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Wednesday, April 30, 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 Wednesday, April 30.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Tyler Butts, King; Jurquan Carter, Jackson Springs; Fatima S. Duncan, Laurinburg; Fondarae N. Duncan, Laurinburg; Jared Douglas Gouge, Old Fort; Gloria Guthrie, Rose Hill; Cassidy Kristen Hamrick, Rutherfordton; Derek Hodge II, Wendell; Cheri Mone' Hodges, Raleigh; Tania Elizabeth Martell, Franklin; Katherine Elizabeth McFadyen, Vass; Erin Potter, Raleigh; Andrew J. Stewart, Walnut Cove; and Laura Talley, Clayton.

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Upon motion of Senator Basnight, seconded by Senator Foxx, the Senate adjourns in memory of George Little, grandson of former Senator Teena Little, subject to receipt of committee reports and reading of messages from the House of Representatives, to meet tomorrow, Tuesday, April 29, at 3:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 122 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE CITIES OF GASTONIA AND LOCUST AND THE TOWNS OF BLADENBORO, PINE LEVEL, AND RANLO, received for concurrence in House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, April 29.

H.B. 31 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RAISE THE CAP ON THE NUMBER OF CHARTER SCHOOLS.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 281 (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.

Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 283 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE REAL PROPERTY WARRANTY COMPANIES TO CARRY CONTRACTUAL LIABILITY POLICIES; REQUIRE MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES TO USE A SPECIFIC FORMAT ON ALL WRITTEN MATERIALS SUBMITTED; MANDATE ALL REQUIRED SUBMISSIONS TO THE DEPARTMENT OF INSURANCE TO BE IN A SPECIFIC FORMAT IF IN WRITING; REQUIRE WARRANTY COMPANIES TO COMPLY WITH ARTICLE 1 OF CHAPTER 58 OF THE GENERAL STATUTES; DEFINE MECHANICAL BREAKDOWN SERVICE AGREEMENTS AND REQUIRE ALL MECHANICAL BREAKDOWN SERVICE AGREEMENT COMPANIES TO COMPLY WITH ARTICLE 1 OF CHAPTER 58 OF THE GENERAL STATUTES AND WITH THE RULES REGARDING MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES; AND PROVIDE THAT A BAD CHECK CONSTITUTES NONPAYMENT OF PREMIUM OF A MOTOR VEHICLE LIABILITY INSURANCE POLICY.

Referred to **Commerce Committee**.

H.B. 317 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE BOARD OF EDUCATION TO IDENTIFY AND PROVIDE ASSISTANCE TO LOW-PERFORMING SCHOOL ADMINISTRATIVE UNITS.

Referred to **Education/Higher Education Committee**.

H.B. 560 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DISAPPROVE THE ADMINISTRATIVE RULES GOVERNING LIFE INSURANCE REPLACEMENT.

Referred to **Commerce Committee**.

H.B. 680, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF GRANITE QUARRY.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 686, A BILL TO BE ENTITLED AN ACT TO EXEMPT DARE COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 727, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT MEMBERS OF THE SOIL AND WATER CONSERVATION COMMISSION ARE AUTHORIZED TO HOLD OFFICE CONCURRENTLY WITH OTHER ELECTIVE OR APPOINTIVE OFFICES.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 754 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE QUALIFICATIONS FOR PERSONS NOMINATED AS MAGISTRATES.

Referred to **Judiciary I Committee**.

H.B. 774 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWN OF BEAUFORT.

Referred to **Finance Committee**.

H.B. 787, A BILL TO BE ENTITLED AN ACT TO ESTABLISH EQUITY IN REPORTING REQUIREMENTS BETWEEN FEDERAL POLITICAL COMMITTEES AND NORTH CAROLINA POLITICAL COMMITTEES.

Referred to **Judiciary I Committee**.

H.B. 797 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ASSIST LOCAL SCHOOL ADMINISTRATIVE UNITS ON THE IMPLEMENTATION OF THE NO CHILD LEFT BEHIND ACT OF 2001.

Referred to **Education/Higher Education Committee**.

H.B. 819, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE REQUIREMENT THAT THE COUNTY BOARDS OF ELECTIONS MUST PROVIDE BEYOND THE BUFFER ZONE AROUND THE VOTING PLACE A SPACE WHERE CAMPAIGNING AND OTHER ELECTION-RELATED ACTIVITY CAN BE CONDUCTED.

Referred to **Judiciary I Committee**.

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H.B. 829, A BILL TO BE ENTITLED AN ACT TO ADOPT THE NAIC MODEL STANDARD NONFORFEITURE LAW FOR INDIVIDUAL DEFERRED ANNUITIES.

Referred to **Commerce Committee**.

H.B. 869, A BILL TO BE ENTITLED AN ACT TO ADVANCE THE DATE FOR REPORTING MAILED ABSENTEE AND ONE-STOP VOTES BY PRECINCT FROM 2006 TO 2004 FOR THOSE COUNTIES CAPABLE OF DOING SO.

Referred to **Judiciary I Committee**.

H.B. 900, A BILL TO BE ENTITLED AN ACT MODIFYING THE DEFINITION OF "RESTAURANT" FOR ABC PERMITS.

Referred to **Commerce Committee**.

H.B. 928, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE APPALACHIAN STATE UNIVERSITY TO REGULATE PARKING ON CERTAIN STREETS.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 952, A BILL TO BE ENTITLED AN ACT TO MAKE A CLARIFYING CHANGE TO THE LAWS RELATING TO THE CONFIRMATION OF AN ARBITRATION AWARD UNDER THE FAMILY LAW ARBITRATION ACT.

Referred to **Judiciary I Committee**.

H.B. 1062 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE COMMUNITY WATER SYSTEMS THAT REGULARLY SERVE ONE THOUSAND OR MORE SERVICE CONNECTIONS OR THREE THOUSAND OR MORE INDIVIDUALS TO PREPARE LOCAL WATER SUPPLY PLANS AND TO AUTHORIZE THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO MAKE DROUGHT DESIGNATIONS.

Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 1100, A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF THE WILDLIFE RESOURCES COMMISSION TO ENABLE PROTECTION OF CERTAIN REPTILES AND AMPHIBIANS REQUIRING CONSERVATION MEASURES.

Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 1134, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE BY WHICH COASTAL HABITAT PROTECTION PLANS MUST BE ADOPTED.

Referred to **Agriculture/Environment/Natural Resources Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:41 P.M.

FIFTY-SECOND DAY

Senate Chamber
Tuesday, April 29, 2003

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, now that the Senate is preparing to discuss and vote on their budget proposal, I'm reminded of a story told by the late Senator Sam Ervin.

"It seems there was a State Senator who was immune to defeat back in those years. When asked how he continued to be elected term after term the Senator is reported to have said, 'Well I vote for all appropriations which are sought and then vote against all taxes which are proposed to pay for them.'

"That kind of double mindedness wouldn't be tolerated in 2003. In fact, Scripture says no one can serve two masters, for a person will either hate one and love the other or be devoted to the one and despise the other.

"So Lord, guide the Senators during the budget process for where their treasure is, there their hearts will be also. Amen."

The Chair grants a leave of absence for today to Senator Shaw.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, April 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. Jesse H. Meredith from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day, and to Pam Wrights from Winston-Salem, 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. 482, AN ACT TO AUTHORIZE THE CITY OF DURHAM TO ANNEX ROADS THAT ARE ADJACENT ON BOTH SIDES TO PROPERTY ALREADY WITHIN THE CITY LIMITS. (Became law upon ratification, April 28, 2003—S.L. 2003-26.)

H.B. 645, AN ACT PROVIDING THAT NO GOVERNMENT ENTITY OUTSIDE OF CURRITUCK COUNTY MAY ANNEX ANY PORTION OF CURRITUCK COUNTY, OR EXTEND ITS EXTRATERRITORIAL JURISDICTION INTO CURRITUCK COUNTY. (Became law upon ratification, April 28, 2003—S.L. 2003-27.)

April 29, 2003

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. 992, A BILL TO BE ENTITLED AN ACT TO PROTECT THE STATE'S MASTER SETTLEMENT AGREEMENT MONEY, with a favorable report.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 572, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE EIGHT-YEAR TERMS FOR DISTRICT COURT JUDGES.

Upon motion of Senator Clodfelter, the bill is withdrawn from today's Calendar and is re-referred to the **Judiciary I Committee**.

S.B. 688, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF DISTRICT ATTORNEYS.

Upon motion of Senator Clodfelter, the bill is withdrawn from today's Calendar and is re-referred to the **Judiciary I Committee**.

S.B. 552 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE USE OF PHOTOGRAPHIC SPEED-MEASURING SYSTEMS.

Upon motion of Senator Dannelly, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, April 30.

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. 52, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE COURT'S DISCRETION TO ALLOW COURT COSTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40033, is adopted and engrossed.

S.B. 974, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC 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 35265, which changes the title to read **S.B. 974** (Committee Substitute), A BILL TO BE

ENTITLED AN ACT TO AMEND THE LAW REQUIRING NOTIFICATION TO BUYERS OF PRIVATE ROADS, is adopted and engrossed.

CALENDAR (*continued*)

S.B. 697 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NORTH CAROLINA COMMUNITY COLLEGES INSTRUCTIONAL TRUST FUND.

Upon motion of Senator Metcalf, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

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 Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 1205, A BILL TO BE ENTITLED AN ACT TO FACILITATE THE IMPLEMENTATION OF THE "CLEAN SMOKESTACKS ACT" BY EXEMPTING SANITARY LANDFILLS USED FOR THE DISPOSAL OF WASTE GENERATED BY INVESTOR-OWNED PUBLIC UTILITY COAL-FIRED GENERATING UNITS THAT ARE SUBJECT TO THE "CLEAN SMOKESTACKS ACT" FROM THE REQUIREMENT THAT FRANCHISES BE OBTAINED FOR THE OPERATION OF THOSE LANDFILLS, with a favorable report.

By Senator Soles for the **Commerce Committee**:

S.B. 991, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT STATE GOVERNMENT SHALL REQUIRE IN EVERY CONTRACT FOR THE PERFORMANCE OF TELEMARKETING SERVICES PROVISIONS THAT ONLY CITIZENS OF THE UNITED STATES AND PERSONS AUTHORIZED TO WORK IN THE UNITED STATES MAY BE EMPLOYED, AND TO PROVIDE FOR DISCLOSURE OF CERTAIN INFORMATION FROM CUSTOMER SALES AND SERVICE CENTERS, with a favorable report.

S.B. 814, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65286, which changes the title to read **S.B. 814** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING COMPETITIVE AND DEREGULATED OFFERINGS OF TELECOMMUNICATIONS SERVICES, is adopted and engrossed.

April 29, 2003

CALENDAR *(continued)*

S.B. 549 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT THE REVISED UNIFORM PRINCIPAL AND INCOME ACT.

Upon motion of Senator Hagan, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, April 30.

S.B. 162, A BILL TO BE ENTITLED AN ACT TO REPEAL THE FAYETTEVILLE FIREMEN'S SUPPLEMENTAL RETIREMENT BENEFIT FUND.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 291 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS.

The Committee Substitute bill passes its second (49-0) and third readings.

Having voted with the majority, Senator Horton offers a motion that the vote by which the Committee Substitute bill passed its third reading be reconsidered, which motion prevails (48-0).

Senator Horton offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its third reading (49-0) and is ordered engrossed and sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 177, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS, referred to the **Rules and Operations of the Senate Committee** on February 25.

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 Government, Local Government, and Veterans' Affairs 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 Government, Local Government, and Veterans' Affairs Committee**.

S.B. 881, A BILL TO BE ENTITLED AN ACT TO PERMIT PHASE II PAYMENTS UNDER THE NATIONAL TOBACCO GROWER SETTLEMENT TRUST TO BE PAID WITHOUT REOPENING A DECEDENT'S ESTATE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, referred to the **Finance Committee** on April 22.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Finance Committee** and placed on the Calendar for Wednesday, April 30, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Finance Committee** and places it on the Calendar for Wednesday, April 30.

CALENDAR (*continued*)

S.B. 122 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE CITIES OF GASTONIA AND LOCUST AND THE TOWNS OF BLADENBORO, PINE LEVEL, AND RANLO, 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 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, April 30, for concurrence upon third reading.

Upon the appearance of Senator Shaw in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

H.B. 397 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, AND TO IMPLEMENT A STATE BUDGET THAT ENABLES THE STATE TO PROVIDE A SUSTAINABLE RECOVERY THROUGH STRONG EDUCATIONAL AND ECONOMIC TOOLS, upon second reading.

Senator Reeves offers Amendment No. 1 which is adopted (50-0).

Senator Reeves offers Amendment No. 2 which is adopted (50-0).

Senator Pittenger offers Amendment No. 3 which is adopted (49-0).

Senator Horton offers Amendment No. 4 which fails of adoption (21-29).

Senator Smith offers Amendment No. 5.

Senator Clodfelter offers a motion that Amendment No. 5 lie upon the table, seconded by Senator Shaw, which motion prevails (28-22).

Senator Ballantine offers Amendment No. 6.

Senator Lucas offers Amendment No. 7 as a Substitute Amendment for Amendment No. 6.

Senator Berger offers a motion that Amendment No. 7 lie upon the table, seconded by Senator Ballantine, which motion fails (22-28).

Amendment No. 7 is adopted (28-22).

Senator Shubert offers Amendment No. 8 which fails of adoption (22-27).

Senator Horton offers Amendment No. 9.

Senator Reeves offers Amendment No. 10 as a Substitute Amendment for Amendment No. 9.

Senator Webster offers a motion that Amendment No. 10 lie upon the table, seconded by Senator Berger, which motion fails (22-28).

Amendment No. 10 is adopted (49-1).

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Senator Pittenger offers Amendment No. 11.

Senator Pittenger subsequently withdraws Amendment No. 11.

Senator Rand calls the previous question on H.B. 397 through the passage of the bill, seconded by Senator Dalton (28-22).

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 28, noes 22, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Clodfelter, Dalton, Dannelly, Dorsett, Garrou, Guley, Hagan, Hargett, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Purcell, Queen, Rand, Reeves, Shaw, Soles, Swindell, Thomas and Weinstein—28.

Voting in the negative: Senators Allran, Apodaca, Ballantine, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Horton, Pittenger, Rucho, Shubert, Sloan, Smith, Stevens, Tillman and Webster—22.

The Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow, Wednesday, April 30, upon third reading.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

S.B. 124, 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 40035, which changes the title to read **S.B. 124** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT THE CITY OF LUMBERTON FROM CERTAIN STATUTORY REQUIREMENTS RELATING TO THE CONSTRUCTION OF BUILDINGS TO BE USED BY INDUSTRIES LOCATING TO THE CITY, is adopted and engrossed.

S.B. 74, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65282, which changes the title to read **S.B. 74** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT CERTAIN TOWNSHIP ABC ELECTIONS, is adopted and engrossed.

S.B. 319, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CABARRUS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35263, which changes the title to read **S.B. 319** (Committee Substitute), A BILL TO BE

ENTITLED AN ACT AMENDING THE CABARRUS COUNTY DEMONSTRATION WORK OVER WELFARE PROGRAM, is adopted and engrossed.

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 669, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE CIVIL REMEDY FOR PROTECTION OF ANIMALS, AS RECOMMENDED BY THE GENERAL STATUTES 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 55187, is adopted and engrossed.

S.B. 916, A BILL TO BE ENTITLED AN ACT TO ESTABLISH CIVIL NO-CONTACT ORDERS FOR THE PROTECTION OF INDIVIDUALS WHO ARE VICTIMS OF SEXUAL ASSAULT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85228, which changes the title to read **S.B. 916** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CIVIL NO-CONTACT ORDERS FOR THE PROTECTION OF EMPLOYEES FROM WORKPLACE VIOLENCE AND INDIVIDUALS WHO ARE VICTIMS OF UNLAWFUL CONDUCT, is adopted and engrossed.

S.B. 972, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TWO YEAR MORATORIUM ON EXECUTIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40032, which changes the title to read **S.B. 972** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE SETTING OF EXECUTIONS FOR A DEFINITE PERIOD AND TO STUDY ISSUES RELATING TO THE DEATH SENTENCE, is adopted and engrossed.

S.B. 160, A BILL TO BE ENTITLED AN ACT TO CLARIFY EXISTING DELEGATIONS OF AUTHORITY TO COUNTIES, CITIES, AND BOARDS OF HEALTH AND TO CONFIRM FLEXIBILITY IN THE EXECUTION OF THOSE DELEGATED AUTHORITIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40034, which changes the title to read **S.B. 160** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY EXISTING DELEGATIONS OF AUTHORITY TO COUNTIES AND CITIES AND TO CONFIRM FLEXIBILITY IN THE EXECUTION OF THOSE DELEGATED AUTHORITIES, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

April 29, 2003

CALENDAR *(continued)*

S.B. 19 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING TOWNSHIP ABC ELECTIONS IN CERTAIN TOWNSHIPS.

The Committee Substitute bill passes its second (35-13) and third readings and is ordered sent to the House of Representatives.

S.B. 388 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE NORTH CAROLINA GENERAL STATUTES IN RESPONSE TO RECENT MEDICAL ADVANCES IN SCREENING FOR THE EARLY DETECTION OF CERVICAL CANCER.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 469 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN CONDITIONS PLACED ON EXCLUSIVE AGENCY CONTRACTS FOR THE SALE OF LIFE INSURANCE OR FINANCIAL SERVICES ARE UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE TRADE PRACTICES.

The Committee Substitute bill passes its second (39-8) and third readings and is ordered sent to the House of Representatives.

S.B. 471 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING THE SELF-INSURANCE GUARANTY ASSOCIATION.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 975, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ACCESSIBLE ELECTRONIC INFORMATION SERVICE FOR BLIND AND DISABLED PERSONS AND TO APPROPRIATE FUNDS FOR THE SERVICE, referred to the **Appropriations/Base Budget Committee** on April 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Health and Human Resources 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 **Health and Human Resources Committee**.

CALENDAR *(continued)*

S.B. 935 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MILITARY DRIVERS LICENSE EXPIRATION PROCEDURE WITHIN THE DIVISION OF MOTOR VEHICLES.

Upon motion of Senator Kerr, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

S.B. 577 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE MORE EFFICIENT USE OF ALL COURT PERSONNEL RESOURCES THROUGH CONCURRENT AND REVISED JURISDICTION AND PROCEDURES BY PROVIDING ADDITIONAL AUTHORITY FOR MAGISTRATES AND CLERKS UPON THE AGREEMENT OF THE CHIEF DISTRICT COURT JUDGE AND CLERK OF SUPERIOR COURT, BY AUTHORIZING MAGISTRATES TO DETERMINE INDIGENCY AND ENTITLEMENT TO COUNSEL IN CASES CALENDARED BEFORE THEM, BY AUTHORIZING DISTRICT COURT JUDGES TO ACCEPT GUILTY PLEAS FOR CERTAIN CLASSES OF FELONY, BY PROVIDING FOR CONCURRENT JURISDICTION FOR DISTRICT AND SUPERIOR COURT JUDGES IN INFRACTIONS AND MISDEMEANOR CASES, BY RAISING THE JURISDICTIONAL AMOUNT FOR SMALL CLAIMS, BY AUTHORIZING THE USE OF EXPEDITED CHILD SUPPORT PROCESS UPON THE AGREEMENT OF THE CHIEF DISTRICT COURT JUDGE AND CLERK OF SUPERIOR COURT, AND BY CONFORMING CERTAIN PROCEDURAL REQUIREMENTS IN ACTIONS FOR ABSOLUTE DIVORCE TO THE REQUIREMENTS IN OTHER CIVIL CASES, AS RECOMMENDED BY THE STATE JUDICIAL COUNCIL.

Senator Clodfelter offers Amendment No. 1 which is adopted (50-0).

The Committee Substitute bill, as amended, passes its second (49-1) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 583 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN IN THE PUBLIC SCHOOLS FROM EXPOSURE TO TOBACCO BY REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT WRITTEN POLICIES PROHIBITING THE USE OF TOBACCO PRODUCTS IN PUBLIC SCHOOL BUILDINGS AND SCHOOL FACILITIES, ON THE PUBLIC SCHOOL CAMPUS, AND IN OR ON OTHER SCHOOL PROPERTY.

Upon motion of Senator Purcell, the President orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 692 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN INFORMATION CONCERNING PLANS TO RESPOND TO TERRORIST ACTIVITY ARE NOT SUBJECT TO THE PUBLIC RECORDS OR OPEN MEETINGS LAWS.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 716 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE UNIFORM ARBITRATION ACT AND TO ENACT THE REVISED UNIFORM ARBITRATION ACT.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 868 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF ASSAULT IN THE PRESENCE OF A CHILD.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

April 29, 2003

S.B. 583 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN IN THE PUBLIC SCHOOLS FROM EXPOSURE TO TOBACCO BY REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT WRITTEN POLICIES PROHIBITING THE USE OF TOBACCO PRODUCTS IN PUBLIC SCHOOL BUILDINGS AND SCHOOL FACILITIES, ON THE PUBLIC SCHOOL CAMPUS, AND IN OR ON OTHER SCHOOL PROPERTY, temporarily displaced earlier.

Senator Purcell offers Amendment No. 1 which is adopted (40-10).

Senator Purcell calls the previous question on S.B. 583, seconded by Senator Hoyle, which motion prevails (42-7).

The Committee Substitute bill, as amended, passes its second (39-11) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 877 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE PENALTIES FOR VIOLATIONS OF THE CHILD CARE FACILITIES ACT.

Senator Clodfelter offers Amendment No. 1 which is adopted (50-0).

Senator Horton offers Amendment No. 2 which fails of adoption (15-35).

The Committee Substitute bill, as amended, passes its second (47-3) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 919 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE SAFETY OF VICTIMS IN SERIOUS DOMESTIC VIOLENCE CASES.

The Committee Substitute bill passes its second (49-1) and third readings and is ordered sent to the House of Representatives.

S.B. 926 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LICENSING PROCESS FOR NEW GROUP HOME FACILITIES AND FOR THE REIMBURSEMENT OF EDUCATIONAL COSTS BY THE HOME COUNTY TO THE HOST COUNTY.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 996 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT THE NEGATIVE SECONDARY EFFECTS CAUSED BY SEXUALLY EXPLICIT CONDUCT ON PREMISES LICENSED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION.

Upon motion of Senator Dalton, Senator Clodfelter's remarks on S.B. 996 are spread upon the journal as follows:

Senator Clodfelter:

"Madame President, one of the problems that the Federal Courts found with our prior statute was that we had not adequately established a factual basis for the statute and I want to put on the record for the purpose of future review in courts that when this bill was deliberated in committee we did consider, distribute, and review a number of studies from cities around the country and counties about the undesirable secondary effects that are associated with this conduct of licensed premises, including increases in crime, vagrancy, prostitution, and a number of property crimes. Those serve as an adequate basis for the imposition of this statute and it's important that the courts know that we have considered that in our deliberations."

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

Upon motion of Senator Basnight, seconded by Senator Weinstein, the Senate adjourns subject to receipt of committee reports, reading of messages from the House of Representatives and reading of messages from the Governor, to meet tomorrow, Wednesday, April 30, at 12:00 P.M.

APPOINTMENT BY THE GOVERNOR



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301

MICHAEL F. EASLEY
GOVERNOR

April 25, 2003

Ms. Janet Pruitt
Principal Clerk of the Senate
NC General Assembly
2020 Legislative Building
Raleigh, NC 27601

Dear Ms. Pruitt:

Pursuant to General Statute §62-10, I hereby reappoint Ms. Jo Anne Sanford to serve as a member and chairperson of the North Carolina Utilities Commission and submit her name for confirmation by the North Carolina General Assembly. Her term shall begin July 1, 2003 and will expire June 30, 2011.

Ms. Sanford has served as a member of the Commission since 1995 and as chair since 1997.

Enclosed is biographical information on Ms. Sanford. Please feel free to call on her or members of my staff if you need additional information.

With kindest regards, I remain

Very truly yours,

A handwritten signature in cursive script that reads "Mike Easley".

S/Mike Easley

Referred to the **Commerce Committee**.

April 29, 2003

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 50: Amending Executive Order No. 32 NC Commission on Business Laws and the Economy.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 69, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF THOMAS BELL HUNTER, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Referred to **Rules and Operations of the Senate Committee.**

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 214 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING THE TAX COLLECTOR OF MADISON COUNTY AN APPOINTED OFFICE RATHER THAN AN ELECTED OFFICE.

Referred to **State Government, Local Government, and Veterans' Affairs Committee.**

H.B. 425 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT THAT SMALL HORSE TRAILERS DESIGNED TO CARRY FOUR OR FEWER HORSES MUST STOP AT PERMANENT WEIGH STATIONS.

Referred to **Transportation Committee.**

H.B. 678, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE HIGH SCHOOL EXIT EXAM AND RESTRICT THE STATE BOARD OF EDUCATION FROM DEVELOPING ANY FURTHER STANDARDIZED TESTS THAT ARE NOT REQUIRED TO FULFILL THE NO CHILD LEFT BEHIND ACT OF 2001 OR OTHER FEDERAL LAW.

Referred to **Education/Higher Education Committee.**

H.B. 695, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF TROY TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS.

Referred to **State Government, Local Government, and Veterans' Affairs Committee.**

H.B. 737, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE RECALL ELECTIONS FOR THE DURHAM BOARD OF EDUCATION.

Referred to **State Government, Local Government, and Veterans' Affairs Committee.**

H.B. 750 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF PINEBLUFF TO CONVEY TO ADJACENT PROPERTY OWNERS INTERNAL CENTER COURTS AND ALLEYS AT PRIVATE NEGOTIATED SALE.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 786, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PRIMA FACIE RULE FOR PARKING APPLIES TO CIVIL PARKING AND RED LIGHT CAMERA ENFORCEMENT ACTIONS.

Referred to **Judiciary I Committee**.

H.B. 818 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE EFFECTIVE DATE OF THE ACT PROVIDING FOR THE REMOVAL OF DD FORMS 214 AND OTHER MILITARY RECORDS FROM CERTAIN PUBLIC RECORDS.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 826, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONFIDENTIALITY PROVISIONS OF CHAPTER 122C OF THE GENERAL STATUTES TO PERMIT IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM.

Referred to **Judiciary II Committee**.

H.B. 864 (Committee Substitute), A BILL TO BE ENTITLED AN ACT INCREASING THE EFFICIENCY OF GUARANTEED ENERGY SAVINGS CONTRACTS FOR STATE GOVERNMENTAL UNITS.

Referred to **Commerce Committee**.

H.B. 895, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSING BOARD OF GENERAL CONTRACTORS TO ESTABLISH TEMPORARY RULES THAT ALLOW A LICENSEE TO BID AND CONTRACT DIRECTLY WITH THE OWNER OF A PUBLIC BUILDING PROJECT IN CERTAIN CIRCUMSTANCES.

Referred to **Commerce Committee**.

H.B. 994 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE STATE, COUNTIES, AND CITIES TO CONSTRUCT PRE-ENGINEERED STRUCTURES WITHOUT HAVING THE PLANS AND SPECIFICATIONS FOR THE STRUCTURES REVIEWED BY A REGISTERED ARCHITECT OR ENGINEER.

Referred to **Commerce Committee**.

H.B. 1126 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING COLLABORATIVE LAW PROCEDURES UNDER CHAPTER 50 OF THE GENERAL STATUTES WHEREBY PARTIES SEEKING A DIVORCE AND THEIR ATTORNEYS MAY SETTLE THEIR DISPUTES BY WRITTEN AGREEMENT WITH LIMITED JUDICIAL INTERVENTION.

Referred to **Judiciary I Committee**.

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H.B. 1129 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE SERVICE REQUIREMENTS TO CONFORM WITH RULE 4 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE, AND TO MAKE TECHNICAL AND OTHER CHANGES TO THE WAGE AND HOUR ACT AND THE PRIVATE PERSONNEL SERVICES ACT.

Referred to **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 1159 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MILITARY DRIVERS LICENSE EXPIRATION PROCEDURE WITHIN THE DIVISION OF MOTOR VEHICLES.

Referred to **Transportation Committee**.

H.B. 1175, A BILL TO BE ENTITLED AN ACT ALLOWING FAIR HOUSING ORGANIZATIONS TO FILE COMPLAINTS WITH THE STATE HUMAN RELATIONS COMMISSION.

Referred to **Judiciary II Committee**.

H.B. 1210, A BILL TO BE ENTITLED AN ACT MODIFYING THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE NORTH CAROLINA SCHOOL OF THE ARTS.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 1211, A BILL TO BE ENTITLED AN ACT MODIFYING THE MEMBERSHIP OF THE BOARD OF THE NORTH CAROLINA ARBORETUM.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Soles for the **Commerce Committee**:

S.B. 872, A BILL TO BE ENTITLED AN ACT TO INCREASE PROTECTIONS FOR TELEPHONE SUBSCRIBERS WHO WISH TO STOP UNWANTED TELEPHONE SOLICITATIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35270, which changes the title to read **S.B. 872** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE PROTECTIONS FOR TELEPHONE SUBSCRIBERS WHO WISH TO STOP UNWANTED TELEPHONE SOLICITATIONS AND FOR CONSUMERS WHO ENTER INTO TELEMARKETING TRANSACTIONS, is adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 9:21 P.M.

FIFTY-THIRD DAY

Senate Chamber
Wednesday, April 30, 2003

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, who among us isn't guilty of praying, 'Thy will be done' but with the mental asterisk, 'as long as Thy will agrees with my will.'

"You know whether we have been voices of truth of merely echoes of self pragmatism, whether we have done Your will or our own, or worse still, have done neither.

"At the end of this day may the Senators and staff, though weary from the proceedings, feel Your affirmation of their work in the words 'Well done my good and faithful servants.'

"In your Holy Name we pray, Amen."

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, April 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 Pro Tempore of the Senate extends courtesies of the floor to Dr. Kaissar S. Ibrahim from Raleigh, 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.

Upon motion of Senator Rand, all bills ordered sent to the House of Representatives today and tomorrow except the budget bill, H.B. 397, will be sent to the House of Representatives by special message.

WITHDRAWAL FROM COMMITTEE

S.B. 888, A BILL TO BE ENTITLED AN ACT TO PROTECT A PROPERTY OWNER WHOSE LAND IS ADJACENT OR DOWNSTREAM FROM A SITE ON WHICH ALTERATIONS OF THE EXISTING FLOW OF STORMWATER WILL OCCUR, referred to the **Rules and Operations of the Senate Committee** on April 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State Government, Local Government, and Veterans' Affairs Committee**, which motion prevails with unanimous consent.

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The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State Government, Local Government, and Veterans' Affairs Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 552 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE USE OF PHOTOGRAPHIC SPEED-MEASURING SYSTEMS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 271 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF TEACHER IN A JOB-SHARING POSITION, TO FACILITATE JOB SHARING BY PUBLIC SCHOOL GUIDANCE COUNSELORS, AND TO AUTHORIZE THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY ISSUES RELATED TO JOB SHARING BY OTHER PUBLIC SCHOOL EMPLOYEES.

Referred to **Education/Higher Education Committee**.

H.B. 303 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE HEALTHY, ACTIVE CHILDREN IN KINDERGARTEN THROUGH EIGHTH GRADE.

Referred to **Education/Higher Education Committee**.

H.B. 318 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALIGN STATE LAW WITH FEDERAL LAW ON STUDENTS WITH DISABILITIES.

Referred to **Health and Human Resources Committee**.

H.B. 331 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, AND THE DISABILITY INCOME PLAN OF NORTH CAROLINA.

Referred to **Pensions & Retirement and Aging Committee**.

H.B. 463 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO UPDATE THE JOB DESCRIPTION FOR SCHOOL COUNSELORS.

Referred to **Education/Higher Education Committee**.

H.B. 497, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE AUTHORIZATION FOR CERTAIN PRIVATE CORRECTIONAL

OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW.

Referred to **Judiciary I Committee**.

H.B. 562 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO USE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS DURING A THREE-YEAR PILOT PROGRAM IN DESIGNATED CORRIDORS; TO AUTHORIZE THE CITY OF CHARLOTTE TO ESTABLISH CIVIL PENALTIES FOR SPEED LIMIT AND SCHOOL ZONE SPEED LIMIT VIOLATIONS; AND TO AUTHORIZE THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE SECRETARY OF CRIME CONTROL AND PUBLIC SAFETY TO APPROVE STANDARDS FOR THE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS.

Referred to **Judiciary I Committee**.

H.B. 609 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE LAWS PERTAINING TO THE AMUSEMENT DEVICE SAFETY ACT OF NORTH CAROLINA.

Referred to **Commerce Committee**.

H.B. 742 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A PROPOSED ANNEXATION OF THE TOWN OF CAROLINA SHORES.

Referred to **Finance Committee**.

H.B. 796 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE SALE OF STATE-OWNED REAL PROPERTY ENCOMPASSING THE DOROTHEA DIX HOSPITAL CAMPUS WITHOUT THE APPROVAL OF THE GENERAL ASSEMBLY.

Referred to **Rules and Operations of the Senate Committee**.

H.B. 817, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PISTOL MAY BE PURCHASED BY A PERSON WHO HAS A CONCEALED HANDGUN PERMIT WITHOUT OBTAINING AN ADDITIONAL PERMIT TO PURCHASE A HANDGUN.

Referred to **Judiciary I Committee**.

H.B. 825 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY PRIVATE OR PUBLIC INSTITUTION THAT OFFERS A POSTSECONDARY DEGREE TO PROVIDE MENINGOCOCCAL AND HEPATITIS B IMMUNIZATION INFORMATION TO NEWLY ENROLLED STUDENTS IF THE INSTITUTION HAS A RESIDENTIAL CAMPUS.

Referred to **Health and Human Resources Committee**.

H.B. 917 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM THE LAWS RELATED TO PERMISSIBLE INTEREST RATES FOR HOME LOANS SECURED BY FIRST MORTGAGES.

Referred to **Rules and Operations of the Senate Committee**.

H.B. 1003 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO STATE GOVERNMENT INFORMATION TECHNOLOGY SECURITY.

Referred to **Information Technology Committee**.

H.B. 1070, A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXPENDITURE BENCHMARK FOR A SPECIAL RESPONSIBILITY CONSTITUENT INSTITUTION FOR CERTAIN PURCHASING CONTRACTS.

Referred to **Education/Higher Education Committee**.

H.B. 1120 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE APPOINTMENT OF CERTAIN HIGH SCHOOL STUDENTS AS STUDENT ELECTION ASSISTANTS.

Referred to **Judiciary I 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 Metcalf for the **Education/Higher Education Committee**:

S.B. 931, A BILL TO BE ENTITLED AN ACT ELIMINATING THE PORTFOLIO REQUIREMENT FOR TEACHER CERTIFICATION, with a favorable report.

S.B. 955, A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING CONTRACTS FOR SCHOOL PRINCIPALS, with a favorable report.

S.B. 698, A BILL TO BE ENTITLED AN ACT TO ADD TWO ADVISORY MEMBERS TO THE STATE BOARD OF EDUCATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35271, which changes the title to read **S.B. 698** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD THREE ADVISORY MEMBERS TO THE STATE BOARD OF EDUCATION, is adopted and engrossed.

S.B. 795, A BILL TO BE ENTITLED AN ACT TO MODIFY CHARACTER EDUCATION IN KINDERGARTEN THROUGH TWELFTH GRADE TO INCLUDE AN ANTIVIOLENCE MESSAGE AND A CONFLICT RESOLUTION COMPONENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40037, which changes the title to read **S.B. 795** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE AND FURTHER IMPLEMENT THE PROVISIONS OF THE STUDENT CITIZEN ACT OF 2001, is adopted and engrossed.

S.B. 994, A BILL TO BE ENTITLED AN ACT TO ENABLE LOCAL BOARDS

OF EDUCATION TO EXPEL FROM SCHOOL THOSE STUDENTS WHO GIVE AWAY OR SELL ALCOHOLIC BEVERAGES, PRESCRIPTION DRUGS, OR CONTROLLED SUBSTANCES ON SCHOOL PROPERTY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40036, which changes the title to read **S.B. 994** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE LOCAL BOARDS OF EDUCATION TO SUSPEND FROM SCHOOL THOSE STUDENTS WHO GIVE AWAY, SELL, OR USE ALCOHOLIC BEVERAGES, PRESCRIPTION DRUGS, OR CONTROLLED SUBSTANCES ON SCHOOL PROPERTY, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 694, A BILL TO BE ENTITLED AN ACT TO PROVIDE IN THE SAME MANNER AS FEDERAL LAW THAT A CONTROLLED SUBSTANCE ANALOGUE SHALL, TO THE EXTENT INTENDED FOR HUMAN CONSUMPTION, BE TREATED AS A CONTROLLED SUBSTANCE IN SCHEDULE I OF THE NORTH CAROLINA CONTROLLED SUBSTANCES ACT, AND TO PROVIDE THAT THUS MAE 1, 4-BUTANEDIOL, AN ANALOGUE OF GAMMA-HYDROXYBUTRIC ACID (GHB), IS A SCHEDULE I CONTROLLED SUBSTANCE WHEN THE SUBSTANCE IS INTENDED FOR HUMAN CONSUMPTION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85227, which changes the title to read **S.B. 694** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE IN THE SAME MANNER AS FEDERAL LAW THAT A CONTROLLED SUBSTANCE ANALOGUE SHALL, TO THE EXTENT INTENDED FOR HUMAN CONSUMPTION, BE TREATED AS A CONTROLLED SUBSTANCE IN SCHEDULE I OF THE NORTH CAROLINA CONTROLLED SUBSTANCES ACT, is adopted and engrossed.

S.B. 718, A BILL TO BE ENTITLED AN ACT AMENDING THE DOMESTIC VIOLENCE LAWS TO REMOVE THE CURRENT LIMITATIONS UNDER WHICH COURTS MAY ADDRESS THE ISSUE OF CUSTODY EX PARTE, REQUIRING COURTS TO CONSIDER CUSTODY AS PART OF AN EX PARTE OR PERMANENT ORDER HEARING, AND CREATING A PRESUMPTION THAT IT IS IN THE BEST INTEREST OF THE CHILD TO BE PLACED IN THE CUSTODY OF THE NONOFFENDING CAREGIVER, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35267, which changes the title to read **S.B. 718** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE DOMESTIC VIOLENCE LAWS TO REMOVE THE CURRENT LIMITATIONS UNDER WHICH COURTS MAY ADDRESS THE ISSUE OF CUSTODY EX PARTE, REQUIRING COURTS TO CONSIDER CUSTODY AS PART OF AN EX PARTE OR PERMANENT ORDER HEARING, AND CREATING A REBUTTABLE PRESUMPTION THAT IT IS IN THE BEST INTEREST OF THE CHILD TO BE PLACED IN THE CUSTODY OF THE NONOFFENDING CAREGIVER, is adopted and engrossed.

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S.B. 721, A BILL TO BE ENTITLED AN ACT TO ALLOW AN ADOPTIVE PARENT AND A BIRTH RELATIVE TO ENTER INTO A WRITTEN AGREEMENT TO PROVIDE FOR POST-ADOPTION CONTACT AND COMMUNICATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35266, is adopted and engrossed.

S.B. 867, A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF ARSON OR OTHER UNLAWFUL BURNINGS THAT RESULT IN SERIOUS INJURY TO A FIREFIGHTER, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35268, is adopted and engrossed.

By Senator Rand for the **Rules and Operations of the Senate Committee**:

S.B. 840, A BILL TO BE ENTITLED AN ACT TO ADOPT FOLKMOOT USA AS NORTH CAROLINA'S OFFICIAL INTERNATIONAL FESTIVAL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65285, is adopted and engrossed.

S.B. 1008, A BILL TO BE ENTITLED AN ACT TO REESTABLISH THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH SPEED RAIL 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 85229, which changes the title to read **S.B. 1008** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REESTABLISH AND EXTEND THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMMISSION, DIRECT THE COMMISSION TO STUDY ESTABLISHMENT OF AN INTERSTATE HIGH-SPEED RAIL COMPACT, AND AUTHORIZE THE COMMISSION TO HOLD REGULARLY SCHEDULED MEETINGS IN BOTH NORTH CAROLINA AND VIRGINIA, is adopted and engrossed.

By Senator Hagan for the **Pensions & Retirement and Aging Committee**:

S.B. 31 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN, with a favorable report.

S.B. 276, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE WINSTON-SALEM FIREMEN'S RETIREMENT FUND, with a favorable report.

Upon motion of Senator Hagan, the bill is re-referred to the **Finance Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 124 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT THE CITY OF LUMBERTON FROM CERTAIN STATUTORY REQUIREMENTS RELATING TO THE CONSTRUCTION OF BUILDINGS TO BE USED BY INDUSTRIES LOCATING TO THE CITY.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 319 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CABARRUS COUNTY DEMONSTRATION WORK OVER WELFARE PROGRAM.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 122 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE CITIES OF GASTONIA AND LOCUST AND THE TOWNS OF BLADENBORO, PINE LEVEL, AND RANLO, for concurrence upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

WITHDRAWAL FROM COMMITTEE

S.B. 276, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE WINSTON-SALEM FIREMEN'S RETIREMENT FUND, re-referred to the **Finance Committee** earlier today.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Finance Committee** and placed on the Calendar for tomorrow, Thursday, May 1, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Finance Committee** and places it on the Calendar for tomorrow, Thursday, May 1.

S.B. 888, A BILL TO BE ENTITLED AN ACT TO PROTECT A PROPERTY OWNER WHOSE LAND IS ADJACENT OR DOWNSTREAM FROM A SITE ON WHICH ALTERATIONS OF THE EXISTING FLOW OF STORMWATER WILL OCCUR, re-referred to the **State Government, Local Government, and Veterans' Affairs Committee** earlier today.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn

from the **State Government, Local Government, and Veterans' Affairs 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 **State Government, Local Government, and Veterans' Affairs Committee** and re-refers the measure to the **Agriculture/Environment/Natural Resources Committee**.

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**:

S.B. 511, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PUBLISH THE REVENUE-NEUTRAL TAX RATE IN YEARS WHEN THERE IS A GENERAL REVALUATION OF REAL PROPERTY, with a favorable report.

S.B. 214, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35262, which changes the title to read **S.B. 214** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW TERRITORY TO BE REMOVED FROM A RESEARCH AND PRODUCTION SERVICE DISTRICT, is adopted and engrossed.

S.B. 679, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PUBLIC FINANCING LAWS 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 55189, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 397 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, AND TO IMPLEMENT A STATE BUDGET THAT ENABLES THE STATE TO PROVIDE A SUSTAINABLE RECOVERY THROUGH STRONG EDUCATIONAL AND ECONOMIC TOOLS, as amended upon second reading, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 28, noes 22, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Clodfelter, Dalton, Dannelly, Dorsett, Garrou, Guley, Hagan, Hargett, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Purcell, Queen, Rand, Reeves, Shaw, Soles, Swindell, Thomas and Weinstein—28.

Voting in the negative: Senators Allran, Apodaca, Ballantine, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Horton, Pittenger, Rucho, Shubert, Sloan, Smith, Stevens, Tillman and Webster—22.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent by special message to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 52 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE COURT'S DISCRETION TO ALLOW COURT COSTS.

Senator Berger offers Amendment No. 1 which is adopted (50-0).

The Committee Substitute bill, as amended, passes its second (50-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 74 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT CERTAIN TOWNSHIP ABC ELECTIONS.

The Committee Substitute bill passes its second (41-9) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 549 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT THE REVISED UNIFORM PRINCIPAL AND INCOME ACT.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 648 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN AD HOC CERVICAL CANCER ELIMINATION TASK FORCE TO THE ADVISORY COMMITTEE ON CANCER COORDINATION AND CONTROL.

Senator Foxx offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 669 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE CIVIL REMEDY FOR PROTECTION OF ANIMALS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 814 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING COMPETITIVE AND DEREGULATED OFFERINGS OF TELECOMMUNICATIONS SERVICES.

Without objection, Senator Clodfelter requests to be excused from voting on the bill due to a conflict of interest.

The Committee Substitute bill passes its second reading (47-2).

Senator Sloan 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, May 1.

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REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 911, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ENFORCEMENT OF VARIOUS ENVIRONMENTAL 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 85226, is adopted and engrossed.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

CALENDAR (*continued*)

S.B. 991, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT STATE GOVERNMENT SHALL REQUIRE IN EVERY CONTRACT FOR THE PERFORMANCE OF TELEMARKETING SERVICES PROVISIONS THAT ONLY CITIZENS OF THE UNITED STATES AND PERSONS AUTHORIZED TO WORK IN THE UNITED STATES MAY BE EMPLOYED, AND TO PROVIDE FOR DISCLOSURE OF CERTAIN INFORMATION FROM CUSTOMER SALES AND SERVICE CENTERS.

Upon motion of Reeves, the bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, May 1.

S.B. 872 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE PROTECTIONS FOR TELEPHONE SUBSCRIBERS WHO WISH TO STOP UNWANTED TELEPHONE SOLICITATIONS AND FOR CONSUMERS WHO ENTER INTO TELEMARKETING TRANSACTIONS.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special message.

PRIVILEGES OF THE FLOOR

The President *Pro Tempore*, extends privileges of the floor to Dr. Sanjaasuren Oyun, Member of the Mongolian Parliament. Dr. Oyun is escorted to the Well of the Senate by Senator Reeves and briefly addresses the members.

CALENDAR (*continued*)

S.B. 881, A BILL TO BE ENTITLED AN ACT TO PERMIT PHASE II PAYMENTS UNDER THE NATIONAL TOBACCO GROWER SETTLEMENT TRUST TO BE PAID WITHOUT REOPENING A DECEDENT'S ESTATE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 916 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CIVIL NO-CONTACT ORDERS FOR THE PROTECTION OF EMPLOYEES FROM WORKPLACE VIOLENCE AND INDIVIDUALS WHO ARE VICTIMS OF UNLAWFUL CONDUCT.

Senator Clodfelter offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 972 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE SETTING OF EXECUTIONS FOR A DEFINITE PERIOD AND TO STUDY ISSUES RELATING TO THE DEATH SENTENCE.

Senator Ballantine offers Amendment No. 1.

Senator Hoyle and Senator Hargett request that their remarks on Amendment No. 1 be made a part of the record:

Senator Hoyle for the record on Amendment No. 1:

"All the things that can be said about this have probably been said, but I feel compelled at least to get my thoughts on the record. Let me say that I am a supporter of the death penalty and I think it would be hard pressed for anyone to change my mind particularly as we deal with the very heinous crimes that many of us hear about, read about and see. But in my mind, this is not necessarily about race or about indigents receiving the death penalty. It is about guilt or innocence. If one person were to be put to death who we later determined was innocent, I really don't know how I could deal with that. Over the last twenty years, I think the average has been two to three a year of executions so over the next two years we could have four or five or six more. The lottery system, we do not know who it might and one of those people could, after the fact, be found to have been innocent and I don't think, disagreeing with my good friend, Senator Shaw, that our system of justice is broken. It is not broken, but nothing maybe is perfect and in the matter of dealing with the death penalty in capital cases, I think the State of North Carolina must be right one hundred percent of the time without any doubt or reservation. I think this amendment will not accomplish what we want to do here to get the review that is proper and while that review is taking place to put on hold executions for two years. Thank you."

Senator Hargett for the record on Amendment No. 1:

"I never dreamed that when I was elected to the North Carolina State Senate that this early in my legislative career I would be faced with an issue so awesome and so crucially important as the death penalty. The death penalty is something that I feel very strongly about. I have favored it my entire life. I have heard the speakers today, I have been extremely impressed with the passionate arguments that I have heard on both sides. I believe that in discussing this matter, the worst thing that could possible happen regardless of what we do is that an innocent person would be executed, but having said that I want to say that a close second worst thing that we could do would be to delay for even one minute the execution of someone who is clearly guilty and to say to those family members of those victims that we are imposing a two-year moratorium so that you can wait two more years. Surely, having heard the passion of the debate that we have held in this Senate today, the North Carolina Supreme Court

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and the Department of Corrections will tread carefully before they schedule the execution of any convicted criminal in which case there is the slightest remote doubt about their guilt. We have talked about DNA. There is no reason if DNA testing can prove or disapprove the innocence of a convicted death-row inmate, it should be done post haste. There is no question about that. But I cannot in good conscience vote for a moratorium and I say that I am torn on the issue. I have listened carefully to the debate and there is no room in our justice system or anyone else's for black or poor or less fortunate people to be prosecuted in numbers that would exceed their guilt. I just have to believe that the system will work and I just wanted to get my opinion on the record. Thank you."

Senator Rand offers a motion that Amendment No.1 lie upon the table, seconded by Senator Gulley, which motion fails (23-27).

The Honorable Marc Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Perdue, who presides.

Amendment No. 1 fails of adoption (21-29).

Senator Rand calls the previous question on the passage of the bill, seconded by Senator Gulley, which motion prevails (28-22).

The Committee Substitute bill passes its second (29-21) and third readings and is ordered sent to the House of Representatives by special message.

The Chair grants leaves of absence for the remainder of today's session to Senator Rucho.

S.B. 992, A BILL TO BE ENTITLED AN ACT TO PROTECT THE STATE'S MASTER SETTLEMENT AGREEMENT MONEY.

Upon motion of Senator Garrou, the rules are suspended and the bill is taken up out of its regular order and is placed before the Senate for immediate consideration.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Bingham for the **Health and Human Resources Committee:**

S.B. 582, A BILL TO BE ENTITLED AN ACT TO ENACT THE HEALTHY KIDS IN SCHOOLS 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 85230, which changes the title to read **S.B. 582** (Committee Substitute), **A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMISSION ON CHILDHOOD OBESITY**, is adopted and engrossed.

S.B. 975, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ACCESSIBLE ELECTRONIC INFORMATION SERVICE FOR BLIND AND

DISABLED PERSONS AND TO APPROPRIATE FUNDS FOR THE 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 65288, which changes the title to read **S.B. 975** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ACCESSIBLE ELECTRONIC INFORMATION SERVICE FOR BLIND AND DISABLED PERSONS, is adopted and engrossed.

Upon motion of Senator Bingham, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 1016, A BILL TO BE ENTITLED AN ACT REQUIRING NURSING HOMES TO ESTABLISH A MEDICATION MANAGEMENT ADVISORY COMMITTEE AND SPECIFYING THE DUTIES OF THE COMMITTEE, AND TO REQUIRE NURSING HOMES TO DO CERTAIN THINGS PERTAINING TO THE REDUCTION OF MEDICATION-RELATED ERRORS TO INCREASE PATIENT SAFETY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40038, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

S.B. 911 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ENFORCEMENT OF VARIOUS ENVIRONMENTAL LAWS, referred to the **Finance Committee** earlier today.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Finance Committee** and placed on the Calendar for tomorrow, Thursday, May 1, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Finance Committee** and places it on the Calendar for tomorrow, Thursday, May 1.

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 Metcalf for the **Education/Higher Education Committee**:

S.B. 779, A BILL TO BE ENTITLED AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO SET THE FIRST INSTRUCTIONAL DAY OF THE SCHOOL YEAR AFTER LABOR DAY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65287, is adopted and engrossed.

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CALENDAR *(continued)*

The following bills on today's Calendar are carried over to the Calendar of Thursday, May 1, as unfinished business:

S.B. 974 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REQUIRING NOTIFICATION TO BUYERS OF PRIVATE ROADS.

S.B. 993 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE ABILITY OF THE STATE BOARD OF EDUCATION TO SAFEGUARD SCHOOLCHILDREN THROUGH AUTOMATIC REVOCATION OF TEACHER CERTIFICATES UPON CONVICTION OF CERTAIN CRIMES, AND THE USE OF INVESTIGATIVE SERVICES AS NEEDED.

H.B. 1205, A BILL TO BE ENTITLED AN ACT TO FACILITATE THE IMPLEMENTATION OF THE "CLEAN SMOKESTACKS ACT" BY EXEMPTING SANITARY LANDFILLS USED FOR THE DISPOSAL OF WASTE GENERATED BY INVESTOR-OWNED PUBLIC UTILITY COAL-FIRED GENERATING UNITS THAT ARE SUBJECT TO THE "CLEAN SMOKESTACKS ACT" FROM THE REQUIREMENT THAT FRANCHISES BE OBTAINED FOR THE OPERATION OF THOSE LANDFILLS.

Upon motion of Senator Basnight, seconded by Senator Hartsell, the Senate adjourns subject to receipt of committee reports and reading of messages from the House of Representatives, to meet tomorrow, Thursday, May 1, at 10:00 A.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:

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

S.B. 805, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CONSOLIDATION OF ADMINISTRATIVE FUNCTIONS WITHIN STATE GOVERNMENT, AS RECOMMENDED BY THE GOVERNOR'S COMMISSION TO PROMOTE GOVERNMENT EFFICIENCY AND SAVINGS ON STATE SPENDING, with a favorable report.

S.B. 817, A BILL TO BE ENTITLED AN ACT TO ALLOW RETIREES WITH SPECIAL EXPERTISE TO RETIRE UNDER A DEFERRED RETIREMENT OPTION PROGRAM, AS RECOMMENDED BY THE GOVERNOR'S COMMISSION TO PROMOTE GOVERNMENT EFFICIENCY AND SAVINGS ON STATE SPENDING, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Pensions & Retirement and Aging Committee**.

H.B. 703 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO AND THE GENERAL STATUTES TO INCREASE THE MEMBERSHIP OF THE CITY OF GREENSBORO BOARD OF ALCOHOLIC CONTROL FROM THREE TO FIVE MEMBERS, with a favorable report.

REMOVAL OF BILL CO-SPONSOR

Senator Lucas requests that she be removed as a sponsor of previously introduced legislation:

S.B. 534, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PAY JUST COMPENSATION FOR REMOVAL OF LAWFULLY ERECTED BUILDINGS, STRUCTURES, OUTDOOR ADVERTISING, OR PERSONAL PROPERTY AND TO AUTHORIZE LOCAL GOVERNMENTS TO ENTER INTO RELOCATION AND RECONSTRUCTION AGREEMENTS WITH OWNERS OF NONCONFORMING PROPERTIES.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:10 P.M.

FIFTY-FOURTH DAY

Senate Chamber
Thursday, May 1, 2003

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:

"Today is the National Day of Prayer in our Nation. People of all faith communities are praying for our Country, our leaders, and our world.

"Our Father and our God, we thank you for the many blessings You have poured out on America and we praise You for Your mercy toward us.

"You have said, 'Righteousness exalts a nation, but sin is a disgrace to any people.' We confess, O Lord, our national and personal sins. We ask forgiveness for all actions that dishonor You.

"O God, bless our President, the Congress, our North Carolina Legislature, and all State Legislatures. Provide them with wisdom and move them to honor You.

"Deliver our great Nation and our world from hostility as we recommit ourselves to trust, to serve and obey Your commands.

"We pray in Your most Holy Name. Amen."

The Chair grants leaves of absence for today to Senator Garwood and Senator Gulley.

May 1, 2003

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, April 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. James A. Benson from Hickory, North Carolina, who is serving the Senate as Doctor of the Day.

CROSSOVER AGREEMENT

NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE BUILDING
RALEIGH 27601

April 30, 2003

AGREEMENT TO COVER BILLS AND RESOLUTIONS PASSED FOLLOWING ADJOURNMENT OF EITHER CHAMBER PRIOR TO THE OTHER ON MAY 1, 2003, CROSSOVER DEADLINE.

It is agreed that all bills and resolutions passed by the House of Representatives or the Senate on May 1, 2003, and ordered sent to the other chamber but not read as a message on the floor of either Body, shall be considered to have met the provisions of House Rule 31.1(d) and Senate Rule 41.

S/Marc Basnight
Senate President *Pro Tempore*

S/James S. Black
Speaker of the House

S/Richard T. Morgan
Speaker of the House

WITHDRAWAL FROM COMMITTEE

S.B. 167, A BILL TO BE ENTITLED AN ACT RELATING TO THE 12TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 25.

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 Government, Local Government, and Veterans' Affairs 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 Government, Local Government, and Veterans' Affairs Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 779 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO SET THE FIRST INSTRUCTIONAL DAY OF THE SCHOOL YEAR AFTER LABOR DAY.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

ENROLLED BILLS

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. 122, AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE CITIES OF GASTONIA AND LOCUST AND THE TOWNS OF BLADENBORO, PINE LEVEL, AND RANLO.

S.J.R. 1019, A JOINT RESOLUTION ACKNOWLEDGING THE HENDERSON COUNTY EDUCATION FOUNDATION ON ESTABLISHING A HALL OF FAME AND HONORING THE MEMORY OF GLENN C. MARLOW AND HUGH D. RANDALL, FORMER SUPERINTENDENTS AND INDUCTEES OF THE HALL OF FAME. (Res. 10)

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. 733, AN ACT TO PROVIDE FOR EXTENSIONS OF THE EXPIRATION DATES OF CERTAIN GENERAL NONDISCHARGE PERMITS FOR ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE SWINE, CATTLE, AND POULTRY OPERATIONS AND TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE USE OF GENERAL NONDISCHARGE PERMITS FOR ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE SWINE, CATTLE, AND POULTRY OPERATIONS TO PROTECT WATER QUALITY. (Became law upon approval of the Governor, April 30, 2003–S.L. 2003-28.)

S.B. 244, AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO RECOGNIZE RETIRED NURSES BY SPECIAL LICENSURE STATUS AND TO ESTABLISH A FEE FOR THIS STATUS. (Became law upon approval of the Governor, April 30, 2003–S.L. 2003-29.)

CALENDAR *(continued)*

S.B. 974 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO
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AMEND THE LAW REQUIRING NOTIFICATION TO BUYERS OF PRIVATE ROADS.

Senator Jenkins offers Amendment No. 1.

Senator Ballantine offers a motion that the bill and amendment be temporarily displaced, which motion fails (22-24).

Amendment No.1 is adopted (47-1), and changes the title to read **S.B. 974** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REQUIRING NOTIFICATION TO BUYERS OF PRIVATE ROADS AND TO AUTHORIZE THE DIVISION OF EMERGENCY MANAGEMENT OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, IN CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, TO DETERMINE WATER RELEASES FROM DAMS SUBJECT TO THE DAM SAFETY LAW OF 1967 IN THE EVENT OF A FLOOD OR THREATENED FLOOD.

The Committee Substitute bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

The Senate recesses at 10:30 A.M. to reconvene at 10:40 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Upon the appearance of Senator Gulley in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

CALENDAR *(continued)*

S.B. 993 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE ABILITY OF THE STATE BOARD OF EDUCATION TO SAFEGUARD SCHOOLCHILDREN THROUGH AUTOMATIC REVOCATION OF TEACHER CERTIFICATES UPON CONVICTION OF CERTAIN CRIMES, AND THE USE OF INVESTIGATIVE SERVICES AS NEEDED.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee:**

S.B. 167, A BILL TO BE ENTITLED AN ACT RELATING TO THE 12TH 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 55188, which changes the title to read **S.B. 167** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERMITTING WEAPONS ON THE HOWELL WOODS NATURE CENTER PROPERTY OF JOHNSTON COMMUNITY COLLEGE FOR HUNTING PURPOSES, is adopted and engrossed.

Upon motion of Senator Kinnaird, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

S.B. 232, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ORANGE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85232, which changes the title to read **S.B. 232** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY TO FUND THE ESTABLISHMENT OF BIKEWAYS AND TRAILS, is adopted and engrossed.

Upon motion of Senator Kinnaird, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

S.B. 430, A BILL TO BE ENTITLED AN ACT RELATING TO THE 4TH 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 40039, which changes the title to read **S.B. 430** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING WARREN COUNTY TO CREATE A TELECOMMUNICATIONS AUTHORITY TO PROVIDE GREATER TELECOMMUNICATIONS SERVICES TO CITIZENS AND BUSINESSES IN THE COUNTY, is adopted and engrossed.

Upon motion of Senator Kinnaird, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

CALENDAR (*continued*)

H.B. 1205, A BILL TO BE ENTITLED AN ACT TO FACILITATE THE IMPLEMENTATION OF THE "CLEAN SMOKESTACKS ACT" BY EXEMPTING SANITARY LANDFILLS USED FOR THE DISPOSAL OF WASTE GENERATED BY INVESTOR-OWNED PUBLIC UTILITY COAL-FIRED GENERATING UNITS THAT ARE SUBJECT TO THE "CLEAN SMOKESTACKS ACT" FROM THE REQUIREMENT THAT FRANCHISES BE OBTAINED FOR THE OPERATION OF THOSE LANDFILLS.

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 795 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE AND FURTHER IMPLEMENT THE PROVISIONS OF THE STUDENT CITIZEN ACT OF 2001.

Upon motion of Senator Metcalf, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 276, A BILL TO BE ENTITLED AN ACT TO AMEND THE

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PROVISIONS OF THE WINSTON-SALEM FIREMEN'S RETIREMENT FUND.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

H.B. 703 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO AND THE GENERAL STATUTES TO INCREASE THE MEMBERSHIP OF THE CITY OF GREENSBORO BOARD OF ALCOHOLIC CONTROL FROM THREE TO FIVE MEMBERS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled.

S.B. 214 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW TERRITORY TO BE REMOVED FROM A RESEARCH AND PRODUCTION SERVICE DISTRICT, 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, May 5, upon third reading.

S.B. 31 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 511, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PUBLISH THE REVENUE-NEUTRAL TAX RATE IN YEARS WHEN THERE IS A GENERAL REVALUATION OF REAL PROPERTY.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 582 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMISSION ON CHILDHOOD OBESITY.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 679, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PUBLIC FINANCING LAWS OF THE STATE.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 694 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE IN THE SAME MANNER AS FEDERAL LAW THAT A CONTROLLED SUBSTANCE ANALOGUE SHALL, TO THE EXTENT INTENDED FOR HUMAN CONSUMPTION, BE TREATED AS A CONTROLLED SUBSTANCE IN SCHEDULE I OF THE NORTH CAROLINA CONTROLLED SUBSTANCES ACT.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 698 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD THREE ADVISORY MEMBERS TO THE STATE BOARD OF EDUCATION.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 718 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE DOMESTIC VIOLENCE LAWS TO REMOVE THE CURRENT LIMITATIONS UNDER WHICH COURTS MAY ADDRESS THE ISSUE OF CUSTODY EX PARTE, REQUIRING COURTS TO CONSIDER CUSTODY AS PART OF AN EX PARTE OR PERMANENT ORDER HEARING, AND CREATING A REBUTTABLE PRESUMPTION THAT IT IS IN THE BEST INTEREST OF THE CHILD TO BE PLACED IN THE CUSTODY OF THE NONOFFENDING CAREGIVER.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 721 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AN ADOPTIVE PARENT AND A BIRTH RELATIVE TO ENTER INTO A WRITTEN AGREEMENT TO PROVIDE FOR POST-ADOPTION CONTACT AND COMMUNICATION.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

The Senate recesses at 11:30 A.M. to reconvene at 11:35 A.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. 805, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CONSOLIDATION OF ADMINISTRATIVE FUNCTIONS WITHIN STATE GOVERNMENT, AS RECOMMENDED BY THE GOVERNOR'S COMMISSION TO PROMOTE GOVERNMENT EFFICIENCY AND SAVINGS ON STATE SPENDING.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message.

May 1, 2003

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**:

S.B. 833, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 106 OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO AGRICULTURE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40040, which changes the title to read **S.B. 833** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE MATCHING FUNDS TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO BE USED TO CONTROL THE SWEET POTATO WEEVIL, is adopted and engrossed.

Upon motion of Senator Albertson, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 888, A BILL TO BE ENTITLED AN ACT TO PROTECT A PROPERTY OWNER WHOSE LAND IS ADJACENT OR DOWNSTREAM FROM A SITE ON WHICH ALTERATIONS OF THE EXISTING FLOW OF STORMWATER WILL OCCUR, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35273, which changes the title to read **S.B. 888** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT A PROPERTY OWNER WHOSE LAND IS ADJACENT OR DOWNSTREAM FROM A SITE ON WHICH ALTERATIONS OF THE EXISTING FLOW OF STORMWATER WILL OCCUR, is adopted and engrossed.

Upon motion of Senator Albertson, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

S.B. 732, A BILL TO BE ENTITLED AN ACT TO MAKE IMPROVEMENTS IN THE REGULATION OF PETROLEUM UNDERGROUND STORAGE TANKS AND TO THE LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP PROGRAM, with a favorable report.

Upon motion of Senator Albertson, the rules are suspended and the bill is placed on today's Calendar.

CALENDAR *(continued)*

S.B. 911 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ENFORCEMENT OF VARIOUS ENVIRONMENTAL LAWS.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

S.B. 840 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT FOLKMOOT USA AS NORTH CAROLINA'S OFFICIAL INTERNATIONAL FESTIVAL.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 867 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF ARSON OR OTHER UNLAWFUL BURNINGS THAT RESULT IN SERIOUS INJURY TO A FIREFIGHTER.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 931, A BILL TO BE ENTITLED AN ACT ELIMINATING THE PORTFOLIO REQUIREMENT FOR TEACHER CERTIFICATION.

Senator Shubert offers Amendment No. 1 which is adopted (49-0).

The bill, as amended, passes its second (48-1) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 955, A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING CONTRACTS FOR SCHOOL PRINCIPALS.

The bill passes its second (48-1) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 991, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT STATE GOVERNMENT SHALL REQUIRE IN EVERY CONTRACT FOR THE PERFORMANCE OF TELEMARKETING SERVICES PROVISIONS THAT ONLY CITIZENS OF THE UNITED STATES AND PERSONS AUTHORIZED TO WORK IN THE UNITED STATES MAY BE EMPLOYED, AND TO PROVIDE FOR DISCLOSURE OF CERTAIN INFORMATION FROM CUSTOMER SALES AND SERVICE CENTERS.

Senator Reeves offers Amendment No. 1 which is adopted (49-0).

Upon motion of Senator Reeves, the President orders, without objection, the bill temporarily displaced.

S.B. 994 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE LOCAL BOARDS OF EDUCATION TO SUSPEND FROM SCHOOL THOSE STUDENTS WHO GIVE AWAY, SELL, OR USE ALCOHOLIC BEVERAGES, PRESCRIPTION DRUGS, OR CONTROLLED SUBSTANCES ON SCHOOL PROPERTY.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1008 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REESTABLISH AND EXTEND THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMMISSION, DIRECT THE COMMISSION TO STUDY ESTABLISHMENT OF AN INTERSTATE HIGH-SPEED RAIL COMPACT, AND AUTHORIZE THE COMMISSION TO HOLD REGULARLY SCHEDULED MEETINGS IN BOTH NORTH CAROLINA AND VIRGINIA

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

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S.B. 1016 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING NURSING HOMES TO ESTABLISH A MEDICATION MANAGEMENT ADVISORY COMMITTEE AND SPECIFYING THE DUTIES OF THE COMMITTEE, AND TO REQUIRE NURSING HOMES TO DO CERTAIN THINGS PERTAINING TO THE REDUCTION OF MEDICATION-RELATED ERRORS TO INCREASE PATIENT SAFETY.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 814 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING COMPETITIVE AND DEREGULATED OFFERINGS OF TELECOMMUNICATIONS SERVICES.

The Committee Substitute bill passes its third reading (48-0) and is ordered sent to the House of Representatives by special message.

S.B. 430 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING WARREN COUNTY TO CREATE A TELECOMMUNICATIONS AUTHORITY TO PROVIDE GREATER TELECOMMUNICATIONS SERVICES TO CITIZENS AND BUSINESSES IN THE COUNTY, placed earlier on today's Calendar.

Upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

S.B. 167 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERMITTING WEAPONS ON THE HOWELL WOODS NATURE CENTER PROPERTY OF JOHNSTON COMMUNITY COLLEGE FOR HUNTING PURPOSES, 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 by special message.

S.B. 232 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY TO FUND THE ESTABLISHMENT OF BIKEWAYS AND TRAILS, 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 by special message.

The Honorable Beverly E. Perdue, Lieutenant Governor, relinquishes the gavel to the President Pro Tempore of the Senate, The Honorable Marc Basnight, who presides.

S.B. 991, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT STATE GOVERNMENT SHALL REQUIRE IN EVERY CONTRACT FOR THE PERFORMANCE OF TELEMARKETING SERVICES PROVISIONS THAT ONLY CITIZENS OF THE UNITED STATES AND PERSONS AUTHORIZED TO WORK IN THE UNITED STATES MAY BE EMPLOYED, AND TO PROVIDE FOR DISCLOSURE OF CERTAIN INFORMATION FROM CUSTOMER SALES AND SERVICE CENTERS, as amended, temporarily displaced earlier.

Senator Reeves offers Amendment No. 2 as a perfecting amendment to Amendment No. 1, which is adopted (49-0).

The bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Soles for the **Commerce Committee**:

S.B. 661, A BILL TO BE ENTITLED AN ACT TO PROTECT HEALTH INFORMATION PRIVACY BY PROHIBITING USE OR DISCLOSURE OF PROTECTED HEALTH INFORMATION FOR PURPOSES OF MARKETING WITHOUT WRITTEN AUTHORIZATION OF THE INDIVIDUAL, AND BY LIMITING THE USE OR DISCLOSURE OF PROTECTED HEALTH INFORMATION WITHOUT INDIVIDUAL AUTHORIZATION FOR CERTAIN PUBLIC HEALTH-RELATED ACTIVITIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85233, which changes the title to read **S.B. 661** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT HEALTH INFORMATION PRIVACY BY PROHIBITING USE OR DISCLOSURE OF PROTECTED HEALTH INFORMATION FOR PURPOSES OF MARKETING WITHOUT WRITTEN AUTHORIZATION OF THE INDIVIDUAL, is adopted and engrossed.

Upon motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

The Chair grants leaves of absence for the remainder of today's session to Senator Jenkins.

CALENDAR *(continued)*

S.B. 888 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT A PROPERTY OWNER WHOSE LAND IS ADJACENT OR DOWNSTREAM FROM A SITE ON WHICH ALTERATIONS OF THE EXISTING FLOW OF STORMWATER WILL OCCUR, placed earlier on today's Calendar.

Upon motion of Senator Albertson, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Agriculture/Environment/Natural Resources Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 772 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW GOVERNING PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS THAT ALLOWS RETAILERS WHO ARE NOT

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LICENSED AS PLUMBING, HEATING, OR FIRE SPRINKLER CONTRACTORS TO SELL CERTAIN GOODS AND SERVICES TO BE INSTALLED BY LICENSEES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the rules are suspended, without objection, and the House Committee Substitute bill is placed on today's Calendar.

Upon motion of Senator Allran, the Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor by special message.

CALENDAR (*continued*)

S.B. 732, A BILL TO BE ENTITLED AN ACT TO MAKE IMPROVEMENTS IN THE REGULATION OF PETROLEUM UNDERGROUND STORAGE TANKS AND TO THE LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP PROGRAM, placed earlier on today's Calendar.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 661 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT HEALTH INFORMATION PRIVACY BY PROHIBITING USE OR DISCLOSURE OF PROTECTED HEALTH INFORMATION FOR PURPOSES OF MARKETING WITHOUT WRITTEN AUTHORIZATION OF THE INDIVIDUAL, 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.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 772, AN ACT TO CLARIFY THE LAW GOVERNING PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS THAT ALLOWS RETAILERS WHO ARE NOT LICENSED AS PLUMBING, HEATING, OR FIRE SPRINKLER CONTRACTORS TO SELL CERTAIN GOODS AND SERVICES TO BE INSTALLED BY LICENSEES.

WITHDRAWAL FROM CALENDAR

S.B. 214 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW TERRITORY TO BE REMOVED FROM A RESEARCH AND PRODUCTION SERVICE DISTRICT.

Upon motion of Senator Basnight, the Committee Substitute bill is withdrawn from the Calendar for Monday, May 5, and placed on the Calendar for Tuesday, May 6.

Upon motion of Senator Dannelly, seconded by Senator Rucho, the Senate adjourns subject to receipt of messages from the House of Representatives, to meet Monday, May 5, at 7:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 116 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING NOTICE OF TERMINATION OF FARM MACHINERY AGREEMENTS.

Referred to **Commerce Committee**.

H.B. 257 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF CITIZENS BAND RADIO EQUIPMENT NOT AUTHORIZED BY THE FEDERAL COMMUNICATIONS COMMISSION.

Referred to **Judiciary I Committee**.

H.B. 469 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COLUMBUS, DAVIE, DUPLIN, AND LENOIR COUNTIES, CERTAIN DISTRICTS CREATED BY THESE COUNTIES, AND MUNICIPALITIES LOCATED WITHIN THESE COUNTIES TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR SERVICES.

Referred to **Finance Committee**.

H.B. 601 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE EARLY ENTRY OF MOTIVATED STUDENTS INTO FOUR-YEAR COLLEGE PROGRAMS.

Referred to **Education/Higher Education Committee**.

H.B. 694 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE ASHEBORO MUNICIPAL AIRPORT AS THE OFFICIAL LOCATION OF THE NORTH CAROLINA AVIATION HALL OF FAME AND THE NORTH CAROLINA AVIATION MUSEUM AND TO DESIGNATE THE WILMINGTON INTERNATIONAL AIRPORT AS THE OFFICIAL LOCATION OF THE NORTH CAROLINA MUSEUM OF AVIATION.

Referred to **Rules and Operations of the Senate Committee**.

H.B. 785 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE RULE 45 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE.

Referred to **Judiciary II Committee**.

H.B. 801, A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATE COMPETENCY TESTING PROGRAM TO ENSURE THAT HIGH SCHOOL STUDENTS WHO DO NOT PASS THE COMPETENCY TEST ARE GIVEN AN OPPORTUNITY TO TAKE AN ALTERNATIVE TEST.

Referred to **Education/Higher Education Committee**.

H.B. 855 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES FOR BLUE RIDGE PARKWAY FOUNDATION,

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SURVEYORS, RETIRED LAW ENFORCEMENT OFFICERS, ALTERNATIVE FUEL VEHICLES, ZETA PHI BETA SORORITY, BREAST CANCER AWARENESS, AND MOTHERS AGAINST DRUNK DRIVING .

Referred to **Finance Committee**.

H.B. 913, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA UTILITIES COMMISSION TO DETERMINE A TIME IN WHICH FINAL RULES CONCERNING THE DESIGNATION OF A UNIVERSAL SERVICE PROVIDER FOR TELEPHONE SERVICE SHALL BE ADOPTED.

Referred to **Commerce Committee**.

H.B. 916 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A VACCINATION PROGRAM FOR FIRST RESPONDERS TO TERRORIST INCIDENTS, CATASTROPHIC OR NATURAL DISASTERS, OR EMERGENCIES.

Referred to **Judiciary I Committee**.

H.B. 925, A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTY APPEAL IN JUVENILE "PAY ORDER" CASES.

Referred to **Judiciary II Committee**.

H.B. 926 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF ASSAULT IN THE PRESENCE OF A CHILD.

Referred to **Judiciary I Committee**.

H.B. 943 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROHIBITING SCHOOL PERSONNEL FROM RECOMMENDING OR REQUIRING THE USE OF CERTAIN MEDICATIONS BY ANY CHILD.

Referred to **Health and Human Resources Committee**.

H.B. 972 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AN INTERNET-BASED ALTERNATIVE TO PROPERTY TAX CERTIFICATION PROCEDURES.

Referred to **Finance Committee**.

H.B. 975 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PURCHASING FLEXIBILITY FOR THE UNIVERSITY OF NORTH CAROLINA.

Referred to **Education/Higher Education Committee**.

H.B. 995 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT VEHICLES WITH CERTAIN SPECIAL REGISTRATION PLATES TO PARK IN METERED SPACES FREE.

Referred to **Finance Committee**.

H.B. 999, A BILL TO BE ENTITLED AN ACT MAKING VOID AND UNENFORCEABLE AS A MATTER OF PUBLIC POLICY ANY PROVISION IN ANY AGREEMENT OR CONTRACT THAT PROHIBITS THE REUSING,

REMANUFACTURING, OR REFILLING OF A TONER OR INKJET CARTRIDGE.

Referred to **Commerce Committee**.

H.B. 1016 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD PARTICULAR UNIVERSITY FACILITIES AS NONSMOKING AREAS.

Referred to **Education/Higher Education Committee**.

H.B. 1023 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF UNDERINSURED HIGHWAY VEHICLE TO PROVIDE GREATER PROTECTION TO CONSUMERS INJURED IN MOTOR VEHICLE ACCIDENTS.

Referred to **Commerce Committee**.

H.B. 1025, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF HAW RIVER STATE PARK TO THE STATE PARKS SYSTEM.

Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 1032 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING LOCAL BOARDS OF EDUCATION TO GIVE PREFERENCE IN PURCHASING CONTRACTS TO HIGH-CALCIUM FOODS AND BEVERAGES.

Referred to **Education/Higher Education Committee**.

H.B. 1046 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE THE OFFENSE OF AGGRESSIVE DRIVING.

Referred to **Judiciary I Committee**.

H.B. 1048 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE REVISIONS TO THE JUVENILE CODE AS RECOMMENDED BY THE NORTH CAROLINA JUVENILE COURT IMPROVEMENT PROJECT.

Referred to **Judiciary II Committee**.

H.B. 1063 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE OPERATORS OF CHILD CARE FACILITIES TO DISCUSS THE DIVISION OF CHILD DEVELOPMENT'S SUMMARY OF THE LAWS RELATING TO CHILD CARE FACILITIES WITH PARENTS, TO REQUIRE THE DIVISION OF CHILD DEVELOPMENT TO INCLUDE IN ITS SUMMARY A STATEMENT ON HOW PARENTS MAY OBTAIN INFORMATION ON INDIVIDUAL CHILD CARE FACILITIES, AND TO REQUIRE CHILD CARE FACILITIES TO POST THE SUMMARY IN A PROMINENT PLACE.

Referred to **Health and Human Resources Committee**.

H.B. 1065 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUTHORITY AND PROCEDURE FOR A REDEVELOPMENT COMMISSION TO CONVEY CERTAIN PROPERTY IN A DESIGNATED REDEVELOPMENT AREA.

Referred to **Commerce Committee**.

H.B. 1112, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS

RELATED TO SANITATION OF FOOD AND LODGING FACILITIES.

Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 1114, A BILL TO BE ENTITLED AN ACT TO MAKE VOLUNTEER FILES MAINTAINED BY LOCAL BOARDS OF EDUCATION PRIVATE.

Referred to **Judiciary I Committee**.

H.B. 1119 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE ELECTION LAWS.

Referred to **Judiciary I Committee**.

H.B. 1135 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT STUDENTS RECOMMENDED FOR LONG-TERM SUSPENSION RECEIVE A FREE AND APPROPRIATE EDUCATION.

Referred to **Education/Higher Education Committee**.

H.B. 1136 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE JOB SHARING BY MEDIA COORDINATORS IN THE PUBLIC SCHOOLS.

Referred to **Education/Higher Education Committee**.

H.B. 1140 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE QUICK REMOVAL OF VEHICLES, SPILLED CARGO, OR OTHER PERSONAL PROPERTY FROM CONTROLLED-ACCESS HIGHWAYS.

Referred to **Commerce Committee**.

H.B. 1162, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PERTAINING TO THE CHARTER SCHOOL ADVISORY COMMITTEE.

Referred to **Education/Higher Education Committee**.

H.B. 1166 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL EMPLOYEES.

Referred to **Education/Higher Education Committee**.

H.B. 1171 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW PROHIBITING HAZING.

Referred to **Judiciary I Committee**.

H.B. 1177, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PHYSICIANS IN GOOD STANDING TO PRACTICE MEDICINE IN ANOTHER STATE MAY PRACTICE MEDICINE OR SURGERY AT A CAMP FOR THERAPEUTIC RECREATION FOR INDIVIDUALS WITH CHRONIC ILLNESSES UNDER CERTAIN RESTRICTED CONDITIONS.

Referred to **Health and Human Resources Committee**.

H.B. 1201, A BILL TO BE ENTITLED AN ACT TO PROMOTE WATER CONSERVATION BY EXPANDING THE DEFINITION OF CONTIGUOUS PREMISES TO INCLUDE MANUFACTURED HOMES AND MANUFACTURED HOME PARKS.

Referred to **Commerce Committee**.

H.B. 38 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SHORTEN THE PROBATIONARY PERIOD FOR CAREER TEACHERS WHEN THEY CHANGE SCHOOL SYSTEMS OR RETURN TO TEACHING AFTER LEAVING THE PROFESSION.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 124 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING A PROTEST PETITION REQUIREMENT FOR DURHAM COUNTY.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 131 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE RECIPROCAL CONCEALED HANDGUN RIGHTS TO CONCEALED HANDGUN PERMIT HOLDERS OF OTHER STATES.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 147 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LEFT TURNS ON RED IN CERTAIN SITUATIONS.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 197 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE BLADEN COUNTY BOARD OF EDUCATION TO DISPOSE OF CERTAIN PROPERTY AT PRIVATE SALE.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 208 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROMPT PAY LAW TO CLARIFY THAT A "CLAIMANT" UNDER THE LAW INCLUDES AN "INSURED", THAT REFERENCES TO THIRTY DAYS ARE TO THIRTY "CALENDAR" DAYS, THAT AN INSURER MUST PROVIDE NOTICE OF A PROBLEM WITH A CLAIM WITHIN FIFTEEN DAYS OF RECEIPT OF THE CLAIM, AND THAT THE NINETY-DAY DEADLINE FOR RESPONDING TO ADDITIONAL INFORMATION REQUESTS FROM AN INSURER ONLY APPLIES TO CLAIMS NOT ALREADY DENIED; TO REQUIRE, UNDER THE PROMPT PAY LAWS, A STATUS REPORT WHEN CLAIMS ARE NOT PAID OR DENIED WITHIN SIXTY DAYS EVEN WHEN THE INSURER IS AWAITING INFORMATION REQUESTED FROM THE CLAIMANT; TO REMOVE FROM THE UNIFORM CREDENTIALING STATUTE AN UNNECESSARY PROVISION; AND TO AMEND UTILIZATION REVIEW LAWS TO CLARIFY THAT A SECOND-LEVEL GRIEVANCE REVIEW PANEL CAN CONSIST OF ONE OR MORE PERSONS.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 248 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE CITY OF WILMINGTON TO DISCLOSE LIMITED

PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 249 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF WILMINGTON TO ENGAGE IN CONDITIONAL ZONING.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 278 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING EXAMINATIONS FOR LICENSURE TO PRACTICE CHIROPRACTIC.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 483, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE ABROGATION OF OFFENSIVE PLACE-NAMES THROUGHOUT THE STATE.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 499 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF LANDIS TO EXTEND THE MAYOR'S AND ALDERMEN'S TERMS OF OFFICE FROM TWO TO FOUR YEARS.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 625 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF ASHEVILLE TO REQUIRE PRETOWING NOTICES BEFORE A MOTOR VEHICLE MAY BE TOWED FROM A PRIVATE LOT, GARAGE, OR OTHER PARKING FACILITY.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 635 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE POSTING OF SIGNS WHEN AN INVISIBLE FENCE PET CONTAINMENT SYSTEM IS INSTALLED ON PROPERTY IN GASTON COUNTY.

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. 656 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE TRUST ADMINISTRATION ACT AND TO MAKE RELATED CHANGES TO THE LAW GOVERNING ACCOUNTINGS IN TESTAMENTARY TRUSTS.

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. 697 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF TROY AND ITS REDEVELOPMENT COMMISSION TO ACQUIRE PROPERTY WITHIN A REDEVELOPMENT AREA USING THE "QUICK TAKE" PROCEDURE.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 755 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF CARY AND GARNER TO ACQUIRE PROPERTY FOR THE PRESENT OR FUTURE LOCATION OR RELOCATION OF TELEPHONE, TELEGRAPH, ELECTRIC, OR OTHER LINES TO BE OPERATED BY PUBLIC UTILITIES.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 773 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 807 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN PROVISIONS OF THE LAW ESTABLISHING THE ELECTIVE SHARE OF A DECEDENT'S SURVIVING SPOUSE.

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. 859 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW CONCERNING THE ELECTION OF MEMBERS OF THE BOARD OF MORTUARY SCIENCE AND TO ESTABLISH A NEW PROCESS WHEREBY MEMBERS ARE APPOINTED TO SERVE ON THE BOARD.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 868 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ENFORCEMENT OF VARIOUS ENVIRONMENTAL LAWS.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 883 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO TEMPORARILY WAIVE CERTAIN REQUIREMENTS OF THE MENTAL HEALTH COMMITMENT STATUTES TO FURTHER MENTAL HEALTH REFORM EFFORTS.

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. 886 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF ARTICLE 1, CHAPTER 90 OF THE GENERAL

STATUTES TO DESIGNATE ONE APPOINTMENT TO THE NORTH CAROLINA MEDICAL BOARD FOR A DOCTOR OF OSTEOPATHY OR A MEDICAL SCHOOL FACULTY MEMBER WHO UTILIZES INTEGRATIVE MEDICINE IN THEIR CLINICAL PRACTICE OR A MEMBER OF THE OLD NORTH STATE MEDICAL SOCIETY, TO ESTABLISH THE STANDARD OF PROOF FOR ANNULMENT, SUSPENSION, DENIAL OR REVOCATION OF A MEDICAL LICENSE IN THE CASE OF LACK OF PROFESSIONAL COMPETENCE, TO REQUIRE THE BOARD TO CONSULT WITH A LICENSEE WHO PRACTICES INTEGRATIVE MEDICINE PRIOR TO TAKING ACTION AGAINST ANY LICENSEE WHO PRACTICES INTEGRATIVE MEDICINE FOR PROVIDING CARE NOT IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR THE PROCEDURES OR TREATMENTS ADMINISTERED, TO SPECIFY THAT A LICENSEE MAY CALL WITNESSES WITH EXPERTISE IN THE SAME FIELD OF PRACTICE AS THE LICENSEE IN A PROCEEDING BEFORE THE MEDICAL BOARD AND TO SPECIFY THAT WITNESSES SHALL NOT BE RESTRICTED TO EXPERTS CERTIFIED BY THE AMERICAN BOARD OF MEDICAL SPECIALISTS, AND TO PROVIDE THAT STATEMENTS CONTAINED IN MEDICAL OR SCIENTIFIC LITERATURE SHALL BE COMPETENT EVIDENCE IN PROCEEDINGS HELD BEFORE THE BOARD.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 888, A BILL TO BE ENTITLED AN ACT TO INCREASE PURCHASING FLEXIBILITY FOR PUBLIC SCHOOLS.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 897 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES TO REDUCE CERTAIN TESTING REQUIREMENTS APPLICABLE TO THE LEAKING UNDERGROUND STORAGE TANK CLEANUP PROGRAM IN ORDER TO REDUCE COSTS.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 907 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE COUNCIL FOR THE DEAF AND THE HARD OF HEARING, TO INCREASE THE MEMBERS ON THE COUNCIL, AND TO CHANGE THE APPOINTING AUTHORITY FOR TWO OF THE MEMBERS APPOINTED TO THE COUNCIL.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 950 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO OBTAIN THE APPROVAL OF THE COURT BEFORE PLACING A JUVENILE COMMITTED TO THE DEPARTMENT IN A

PROGRAM NOT LOCATED IN A YOUTH DEVELOPMENT CENTER OR DETENTION FACILITY.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 964, A BILL TO BE ENTITLED AN ACT ELIMINATING THE REQUIREMENT THAT THE STATE PURCHASING OFFICER DETERMINE WHETHER THREE QUALIFIED VENDORS ARE AVAILABLE IN FURNITURE REQUIREMENTS CONTRACTS AND CLARIFYING THE TERM QUALIFIED VENDOR IN SUCH CONTRACTS.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 965 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PENALTIES FOR PERSONS WHO CAUSE BODILY INJURY OR DEATH WHEN FAILING TO YIELD THE RIGHT-OF-WAY UNDER CERTAIN CIRCUMSTANCES.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 974, A BILL TO BE ENTITLED AN ACT TO PROHIBIT ANY DEPARTMENT, INSTITUTION, OR AGENCY OF THE STATE FROM PURCHASING FOOD PRODUCTS CONTAINING MILK PROTEIN CONCENTRATE OR RECONSTITUTED MILK.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 986 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A MOTOR VEHICLE INSURER TO DISCLOSE ANY FINANCIAL INTEREST IN A RECOMMENDED REPAIR FACILITY OR SERVICE.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 1024, A BILL TO BE ENTITLED AN ACT ADOPTING THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT FOR NORTH CAROLINA.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 1093, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE NORTH CAROLINA INSURANCE GUARANTY ASSOCIATION ACT.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 1146, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF THE DEPARTMENT OF ADMINISTRATION TO ADOPT RULES AND GUIDELINES FOR RETAINAGE FROM PAYMENT ON PUBLIC CONSTRUCTION CONTRACTS.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

May 1, 2003

H.B. 1155, A BILL TO BE ENTITLED AN ACT ALLOWING PAYROLL DEDUCTION FOR STATE EMPLOYEES CONTRIBUTING TO THE PARENTAL SAVINGS TRUST FUND.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 1194 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE "E-NC" AUTHORITY TO CONTINUE THE WORK OF THE RURAL INTERNET ACCESS AUTHORITY.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 1219, A BILL TO BE ENTITLED AN ACT TO FURTHER CLARIFY THE DEFINITION OF DIVISIBLE PROPERTY UNDER THE LAWS RELATING TO EQUITABLE DISTRIBUTION.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 1221, A BILL TO BE ENTITLED AN ACT REQUIRING THE RETURN OF OVERPAYMENTS OF STATE FUNDS BY PERSONS IN STATE-SUPPORTED POSITIONS.

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 4:30 P.M.

FIFTY-FIFTH DAY

Senate Chamber
Monday, May 5, 2003

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 Robert L. Holloman, Senator from Hertford County as follows:

"Let us pray. Our Father and our Lord and Savior, Jesus Christ, we come before Thy presence this evening with thanksgiving, thanking you for life, health, and strength and most of all tonight we thank you for your Son, Jesus Christ. We thank you for a land of freedom, a land of opportunity, and it is our request tonight that you will bless this Senate Chamber, bless the members that are present and those who will arrive later tonight and tomorrow. We pray for our Governor of this State and all of our elected officials. We pray especially for our President of the United States, President Bush. We pray, gracious God, for this Congress and this land and this

Nation and help us to work together for the common cause of this State. Help us to serve the people of North Carolina. These and all blessings we ask in thy name, Amen."

The Chair grants leaves of absence for tonight to Senator Bingham, Senator Dalton, Senator Garrou, Senator Moore, Senator Pittenger, Senator Stevens and Senator Weinstein.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, May 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 Pro Tempore 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.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
May 1, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for HB 397, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, AND TO IMPLEMENT A STATE BUDGET THAT ENABLES THE STATE TO PROVIDE A SUSTAINABLE RECOVERY THROUGH STRONG EDUCATIONAL AND ECONOMIC TOOLS, and requests conferees.

Speaker Morgan has appointed:

Representative Crawford, Chair	Representative Jeffus
Representative Sherrill, Chair	Representative Justice
Representative Alexander	Representative Kiser
Representative G. Allen	Representative La Roque
Representative Baker	Representative Luebke
Representative Brubaker	Representative McComas
Representative Cole	Representative McGee
Representative Culpepper	Representative Miner
Representative Cunningham	Representative Nye
Representative Daughtridge	Representative Owens
Representative Earle	Representative Sauls
Representative Farmer-Butterfield	Representative Stiller
Representative Fox	Representative Tolson

May 5, 2003

Representative Gorman	Representative Wainwright
Representative Grady	Representative K. Williams
Representative Hackney	Representative Wright
Representative Haire	Representative Yongue
Representative Howard	

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. 397 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, AND TO IMPLEMENT A STATE BUDGET THAT ENABLES THE STATE TO PROVIDE A SUSTAINABLE RECOVERY THROUGH STRONG EDUCATIONAL AND ECONOMIC TOOLS.

Pursuant to the message from the House of Representatives received Thursday, May 1, that the House of Representatives fails to concur in the Senate Committee Substitute bill and requests conferees, Senator Dannelly offers a motion that the Senate appoint conferees which motion prevails.

The Deputy President *Pro Tempore* announces the appointment of Senator Garrou, Co-Chair; Senator Dalton, Co-Chair; and Senator Hagan, Co-Chair; and Senator Albertson; Senator Clodfelter; Senator Dannelly; Senator Gulley; Senator Hoyle; Senator Kerr; Senator Lucas; Senator Metcalf; Senator Purcell; Senator Rand; Senator Reeves; Senator Swindell; Senator Thomas; and Senator Weinstein, as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The President Pro Tempore extends privileges of the floor to Congressman Brad Miller, who represents the 13th Congressional District.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 1205, AN ACT TO FACILITATE THE IMPLEMENTATION OF THE "CLEAN SMOKESTACKS ACT" BY EXEMPTING SANITARY LANDFILLS USED FOR THE DISPOSAL OF WASTE GENERATED BY INVESTOR-OWNED PUBLIC UTILITY COAL-FIRED GENERATING UNITS THAT ARE SUBJECT TO THE "CLEAN SMOKESTACKS ACT" FROM THE REQUIREMENT THAT FRANCHISES BE OBTAINED FOR THE OPERATION OF THOSE LANDFILLS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 355, AN ACT TO ALLOW THE TOWN OF WAKE FOREST TO USE TOWN LABOR FOR PHASED CONSTRUCTION OF ELECTRICAL DISTRIBUTION FEEDER CIRCUITS AND FOR CONSTRUCTION OF AN ELECTRIC SUBSTATION WITHOUT REGARD TO THE DOLLAR VALUE OF THE LABOR.

H.B. 703, AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO AND THE GENERAL STATUTES TO INCREASE THE MEMBERSHIP OF THE CITY OF GREENSBORO BOARD OF ALCOHOLIC CONTROL FROM THREE TO FIVE MEMBERS.

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. 122, AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE CITIES OF GASTONIA AND LOCUST AND THE TOWNS OF BLADENBORO, PINE LEVEL, AND RANLO. (Became law upon ratification, May 1, 2003–S.L. 2003-30.)

S.B. 772, AN ACT TO CLARIFY THE LAW GOVERNING PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS THAT ALLOWS RETAILERS WHO ARE NOT LICENSED AS PLUMBING, HEATING, OR FIRE SPRINKLER CONTRACTORS TO SELL CERTAIN GOODS AND SERVICES TO BE INSTALLED BY LICENSEES. (Became law upon approval of the Governor, May 1, 2003–S.L. 2003-31.)

WITHDRAWAL FROM CALENDAR

S.B. 214 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW TERRITORY TO BE REMOVED FROM A RESEARCH AND PRODUCTION SERVICE DISTRICT.

Senator Dannelly offers a motion that the Committee Substitute bill be withdrawn from the Calendar for tomorrow, Tuesday, May 6, and placed on the Calendar for Wednesday, May 7, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the Calendar for tomorrow, Tuesday, May 6, and places it on the Calendar for Wednesday, May 7.

Upon motion of Senator Dannelly, seconded by Senator Smith, the Senate adjourns subject to reading of messages from the House of Representatives, to meet tomorrow, Tuesday, May 6, at 2:00 P.M.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages received from the House of Representatives on May 1 and held pending referral are referred as follows:

May 5, 2003

H.B. 38 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SHORTEN THE PROBATIONARY PERIOD FOR CAREER TEACHERS WHEN THEY CHANGE SCHOOL SYSTEMS OR RETURN TO TEACHING AFTER LEAVING THE PROFESSION.

Referred to **Education/Higher Education Committee**.

H.B. 124 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING A PROTEST PETITION REQUIREMENT FOR DURHAM COUNTY.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 131 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE RECIPROCAL CONCEALED HANDGUN RIGHTS TO CONCEALED HANDGUN PERMIT HOLDERS OF OTHER STATES.

Referred to **Rules and Operations of the Senate Committee**.

H.B. 147 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LEFT TURNS ON RED IN CERTAIN SITUATIONS.

Referred to **Judiciary II Committee**.

H.B. 197 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE BLADEN COUNTY BOARD OF EDUCATION TO DISPOSE OF CERTAIN PROPERTY AT PRIVATE SALE.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 208 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROMPT PAY LAW TO CLARIFY THAT A "CLAIMANT" UNDER THE LAW INCLUDES AN "INSURED", THAT REFERENCES TO THIRTY DAYS ARE TO THIRTY "CALENDAR" DAYS, THAT AN INSURER MUST PROVIDE NOTICE OF A PROBLEM WITH A CLAIM WITHIN FIFTEEN DAYS OF RECEIPT OF THE CLAIM, AND THAT THE NINETY-DAY DEADLINE FOR RESPONDING TO ADDITIONAL INFORMATION REQUESTS FROM AN INSURER ONLY APPLIES TO CLAIMS NOT ALREADY DENIED; TO REQUIRE, UNDER THE PROMPT PAY LAWS, A STATUS REPORT WHEN CLAIMS ARE NOT PAID OR DENIED WITHIN SIXTY DAYS EVEN WHEN THE INSURER IS AWAITING INFORMATION REQUESTED FROM THE CLAIMANT; TO REMOVE FROM THE UNIFORM CREDENTIALING STATUTE AN UNNECESSARY PROVISION; AND TO AMEND UTILIZATION REVIEW LAWS TO CLARIFY THAT A SECOND-LEVEL GRIEVANCE REVIEW PANEL CAN CONSIST OF ONE OR MORE PERSONS.

Referred to **Commerce Committee**.

H.B. 248 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE CITY OF WILMINGTON TO DISCLOSE LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 249 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF WILMINGTON TO ENGAGE IN CONDITIONAL ZONING.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 278 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING EXAMINATIONS FOR LICENSURE TO PRACTICE CHIROPRACTIC.

Referred to **Health and Human Resources Committee**.

H.B. 483, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE ABROGATION OF OFFENSIVE PLACE-NAMES THROUGHOUT THE STATE.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 499 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF LANDIS TO EXTEND THE MAYOR'S AND ALDERMEN'S TERMS OF OFFICE FROM TWO TO FOUR YEARS.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 625 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF ASHEVILLE TO REQUIRE PRETOWING NOTICES BEFORE A MOTOR VEHICLE MAY BE TOWED FROM A PRIVATE LOT, GARAGE, OR OTHER PARKING FACILITY.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 635 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE POSTING OF SIGNS WHEN AN INVISIBLE FENCE PET CONTAINMENT SYSTEM IS INSTALLED ON PROPERTY IN GASTON COUNTY.

Referred to **Commerce Committee**.

H.B. 656 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE TRUST ADMINISTRATION ACT AND TO MAKE RELATED CHANGES TO THE LAW GOVERNING ACCOUNTINGS IN TESTAMENTARY TRUSTS.

Referred to **Judiciary II Committee**.

H.B. 697 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF TROY AND ITS REDEVELOPMENT COMMISSION TO ACQUIRE PROPERTY WITHIN A REDEVELOPMENT AREA USING THE "QUICK TAKE" PROCEDURE.

Referred to **Finance Committee**.

H.B. 755 (Committee Substitute), A BILL TO BE ENTITLED AN ACT

AUTHORIZING THE TOWNS OF CARY AND GARNER TO ACQUIRE PROPERTY FOR THE PRESENT OR FUTURE LOCATION OR RELOCATION OF TELEPHONE, TELEGRAPH, ELECTRIC, OR OTHER LINES TO BE OPERATED BY PUBLIC UTILITIES.

Referred to **Finance Committee**.

H.B. 773 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY.

Referred to **Rules and Operations of the Senate Committee**.

H.B. 807 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN PROVISIONS OF THE LAW ESTABLISHING THE ELECTIVE SHARE OF A DECEDENT'S SURVIVING SPOUSE.

Referred to **Judiciary I Committee**.

H.B. 859 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW CONCERNING THE ELECTION OF MEMBERS OF THE BOARD OF MORTUARY SCIENCE AND TO ESTABLISH A NEW PROCESS WHEREBY MEMBERS ARE APPOINTED TO SERVE ON THE BOARD.

Referred to **Rules and Operations of the Senate Committee**.

H.B. 868 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ENFORCEMENT OF VARIOUS ENVIRONMENTAL LAWS.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 883 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO TEMPORARILY WAIVE CERTAIN REQUIREMENTS OF THE MENTAL HEALTH COMMITMENT STATUTES TO FURTHER MENTAL HEALTH REFORM EFFORTS.

Referred to **Health and Human Resources Committee**.

H.B. 886 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF ARTICLE 1, CHAPTER 90 OF THE GENERAL STATUTES TO DESIGNATE ONE APPOINTMENT TO THE NORTH CAROLINA MEDICAL BOARD FOR A DOCTOR OF OSTEOPATHY OR A MEDICAL SCHOOL FACULTY MEMBER WHO UTILIZES INTEGRATIVE MEDICINE IN THEIR CLINICAL PRACTICE OR A MEMBER OF THE OLD NORTH STATE MEDICAL SOCIETY, TO ESTABLISH THE STANDARD OF PROOF FOR ANNULMENT, SUSPENSION, DENIAL OR REVOCATION OF A MEDICAL LICENSE IN THE CASE OF LACK OF PROFESSIONAL COMPETENCE, TO REQUIRE THE BOARD TO CONSULT WITH A LICENSEE WHO PRACTICES INTEGRATIVE MEDICINE PRIOR TO TAKING ACTION AGAINST ANY LICENSEE WHO PRACTICES INTEGRATIVE MEDICINE FOR PROVIDING CARE NOT IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR THE PROCEDURES OR TREATMENTS ADMINISTERED, TO SPECIFY THAT A LICENSEE MAY CALL WITNESSES WITH EXPERTISE IN

THE SAME FIELD OF PRACTICE AS THE LICENSEE IN A PROCEEDING BEFORE THE MEDICAL BOARD AND TO SPECIFY THAT WITNESSES SHALL NOT BE RESTRICTED TO EXPERTS CERTIFIED BY THE AMERICAN BOARD OF MEDICAL SPECIALISTS, AND TO PROVIDE THAT STATEMENTS CONTAINED IN MEDICAL OR SCIENTIFIC LITERATURE SHALL BE COMPETENT EVIDENCE IN PROCEEDINGS HELD BEFORE THE BOARD.

Referred to **Judiciary I Committee**.

H.B. 888, A BILL TO BE ENTITLED AN ACT TO INCREASE PURCHASING FLEXIBILITY FOR PUBLIC SCHOOLS.

Referred to **Commerce Committee**.

H.B. 897 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES TO REDUCE CERTAIN TESTING REQUIREMENTS APPLICABLE TO THE LEAKING UNDERGROUND STORAGE TANK CLEANUP PROGRAM IN ORDER TO REDUCE COSTS.

Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 907 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE COUNCIL FOR THE DEAF AND THE HARD OF HEARING, TO INCREASE THE MEMBERS ON THE COUNCIL, AND TO CHANGE THE APPOINTING AUTHORITY FOR TWO OF THE MEMBERS APPOINTED TO THE COUNCIL.

Referred to **Health and Human Resources Committee**.

H.B. 950 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO OBTAIN THE APPROVAL OF THE COURT BEFORE PLACING A JUVENILE COMMITTED TO THE DEPARTMENT IN A PROGRAM NOT LOCATED IN A YOUTH DEVELOPMENT CENTER OR DETENTION FACILITY.

Referred to **Judiciary II Committee**.

H.B. 964, A BILL TO BE ENTITLED AN ACT ELIMINATING THE REQUIREMENT THAT THE STATE PURCHASING OFFICER DETERMINE WHETHER THREE QUALIFIED VENDORS ARE AVAILABLE IN FURNITURE REQUIREMENTS CONTRACTS AND CLARIFYING THE TERM QUALIFIED VENDOR IN SUCH CONTRACTS.

Referred to **Commerce Committee**.

H.B. 965 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PENALTIES FOR PERSONS WHO CAUSE BODILY INJURY OR DEATH WHEN FAILING TO YIELD THE RIGHT-OF-WAY UNDER CERTAIN CIRCUMSTANCES.

Referred to **Judiciary II Committee**.

May 5, 2003

H.B. 974, A BILL TO BE ENTITLED AN ACT TO PROHIBIT ANY DEPARTMENT, INSTITUTION, OR AGENCY OF THE STATE FROM PURCHASING FOOD PRODUCTS CONTAINING MILK PROTEIN CONCENTRATE OR RECONSTITUTED MILK.

Referred to **Commerce Committee**.

H.B. 986 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A MOTOR VEHICLE INSURER TO DISCLOSE ANY FINANCIAL INTEREST IN A RECOMMENDED REPAIR FACILITY OR SERVICE.

Referred to **Commerce Committee**.

H.B. 1024, A BILL TO BE ENTITLED AN ACT ADOPTING THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT FOR NORTH CAROLINA.

Referred to **Judiciary I Committee**.

H.B. 1093, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE NORTH CAROLINA INSURANCE GUARANTY ASSOCIATION ACT.

Referred to **Commerce Committee**.

H.B. 1146, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF THE DEPARTMENT OF ADMINISTRATION TO ADOPT RULES AND GUIDELINES FOR RETAINAGE FROM PAYMENT ON PUBLIC CONSTRUCTION CONTRACTS.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 1155, A BILL TO BE ENTITLED AN ACT ALLOWING PAYROLL DEDUCTION FOR STATE EMPLOYEES CONTRIBUTING TO THE PARENTAL SAVINGS TRUST FUND.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

H.B. 1194 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE "E-NC" AUTHORITY TO CONTINUE THE WORK OF THE RURAL INTERNET ACCESS AUTHORITY.

Referred to **Information Technology Committee**.

H.B. 1219, A BILL TO BE ENTITLED AN ACT TO FURTHER CLARIFY THE DEFINITION OF DIVISIBLE PROPERTY UNDER THE LAWS RELATING TO EQUITABLE DISTRIBUTION.

Referred to **Judiciary II Committee**.

H.B. 1221, A BILL TO BE ENTITLED AN ACT REQUIRING THE RETURN OF OVERPAYMENTS OF STATE FUNDS BY PERSONS IN STATE-SUPPORTED POSITIONS.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 48 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA MOVING AHEAD TRANSPORTATION INITIATIVE BY ALLOWING CASH BALANCES IN THE HIGHWAY TRUST FUND TO BE USED TO MEET CRUCIAL TRANSPORTATION NEEDS, TO REQUIRE FUNDS DESIGNATED BY THIS ACT FOR PRESERVATION, MODERNIZATION, AND MAINTENANCE BE EXPENDED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CERTIFY THAT USE OF FUNDS IN ACCORDANCE WITH THIS ACT WILL NOT DELAY CONSTRUCTION OF ANY HIGHWAY TRUST FUND PROJECT, TO REAFFIRM THE INTENT OF THE GENERAL ASSEMBLY THAT PROCEEDS FROM THE ISSUANCE OF BONDS UNDER AUTHORITY OF THE STATE HIGHWAY BOND ACT OF 1996 SHALL BE USED FOR THE PURPOSES STATED IN THAT ACT, AND FOR NO OTHER PURPOSE, TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY SOLUTIONS TO NORTH CAROLINA'S URBAN TRANSPORTATION NEEDS, AND TO CLARIFY THE EFFECTIVENESS OF PERMITS ISSUED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.

Referred to **Appropriations/Base Budget Committee**.

H.B. 319 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING CHARTER SCHOOLS.

Referred to **Education/Higher Education Committee**.

H.B. 339 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CONFORM NORTH CAROLINA'S THIRD PARTY ADMINISTRATOR ARTICLE TO REVISIONS TO THE NAIC MODEL THIRD PARTY ADMINISTRATOR STATUTE; REQUIRE GROUP ANNUITY INSURERS TO ISSUE INDIVIDUAL CERTIFICATES OF COVERAGE TO EACH ANNUITANT; REORGANIZE ARTICLE 60 OF CHAPTER 58 OF THE GENERAL STATUTES AND AMEND CURRENT DISCLOSURE REQUIREMENTS FOR SOLICITATION OF LIFE INSURANCE PRODUCTS AND ANNUITIES; REQUIRE INSURERS TO NOTIFY EMPLOYEES OF THE EXISTENCE OF EMPLOYER-OWNED LIFE INSURANCE POLICIES WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF COVERAGE; REQUIRE THAT ASSOCIATION PREMIUM RATES FOR ACCIDENT AND HEALTH INSURANCE BE ACTUARIALLY SOUND AND THAT ASSOCIATIONS BE RATED AS A SINGLE GROUP WHEN THE COVERAGE PROVIDED IS NOT EMPLOYER-BASED; LIMIT AN INDIVIDUAL ACCIDENT AND HEALTH INSURER'S USE OF AN INDIVIDUAL'S OWN CLAIMS' EXPERIENCE TO DEVELOP THE INDIVIDUAL'S RENEWAL RATE; EXEMPT A SOLE PROPRIETOR FROM THE FULL-TIME BASIS OR THIRTY-HOUR WORKWEEK REQUIREMENTS TO BE ELIGIBLE FOR LARGE GROUP HEALTH COVERAGE LIKE THE PROPRIETOR'S FULL-TIME EMPLOYEES; CORRECT AN INADVERTENT CROSS-REFERENCE IN ORDER TO REAPPLY

May 5, 2003

NEWBORN COVERAGE TO A MORE COMPREHENSIVE GROUP OF INSURERS; TECHNICALLY CORRECT AN OMISSION REGARDING PROVISIONS GOVERNING PREEXISTING CONDITIONS FOR LIMITED HEALTH, SUPPLEMENTAL HEALTH, AND SPECIFIED DISEASE POLICIES; DECREASE THE TOTAL NUMBER OF MEMBERS THAT SERVE ON THE SMALL EMPLOYER REINSURANCE POOL BOARD FROM NINE TO SIX; ALLOW PERSONS RETROACTIVELY ENROLLED IN MEDICARE PART B THE SAME SIX-MONTH OPEN ENROLLMENT PERIOD FOR MEDICARE SUPPLEMENT PLANS AS PERSONS WHO ENROLLED IN MEDICARE PART B WITHOUT A RETROACTIVE EFFECTIVE DATE OF COVERAGE; TECHNICALLY CORRECT THE REVOCATION AND SUSPENSION LAW TO INCLUDE A BENEFICIARY OF A LIFE OR ANNUITY CONTRACT AS A CLAIMANT; MANDATE HEALTH BENEFIT COVERAGE FOR DESIGNATED TRAVEL EXPENSES WHEN THE REQUIRED DISTANCE TRAVELED THRESHOLD IS MET; TO REQUIRE RATE METHODOLOGY UNDER MEDICARE SUPPLEMENTAL INSURANCE POLICIES TO BE BASED ON ISSUE AGE AND TO MAKE OTHER CHANGES TO THE LAW PERTAINING TO MEDICARE SUPPLEMENTAL INSURANCE POLICIES; AND MAKE TECHNICAL CORRECTIONS TO THE CREDIT INSURANCE LAWS.

Referred to **Commerce Committee**.

H.B. 566, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE THE ADMINISTRATIVE RULE RECLASSIFICATION BY THE ENVIRONMENTAL MANAGEMENT COMMISSION OF PORTIONS OF SWIFT CREEK AND SANDY CREEK IN THE TAR-PAMLICO RIVER BASIN THAT WOULD HAVE THE EFFECT OF IMPOSING CERTAIN MANAGEMENT STRATEGIES APPLICABLE TO OUTSTANDING RESOURCE WATERS (ORW) IN THE WATERSHED OF THESE CREEKS.

Referred to **Rules and Operations of the Senate Committee**.

H.B. 892 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COMMON LAW DETERMINES WHETHER A DRIVER OF A TRUCK, TRACTOR, OR TRUCK TRACTOR TRAILER OF AN INTERSTATE MOTOR CARRIER IS AN EMPLOYEE SUBJECT TO THE WORKERS' COMPENSATION ACT AND TO DEFINE THE OBLIGATIONS UNDER THE ACT FOR SUCH DRIVERS.

Referred to **Commerce Committee**.

H.B. 941, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE ANALYSIS OF THE STATE'S LEGACY INFORMATION TECHNOLOGY SYSTEMS.

Referred to **Information Technology Committee**.

H.B. 944 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN NOTIFICATIONS BEFORE A TOWER MAY COLLECT CERTAIN CHARGES.

Referred to **Transportation Committee**.

H.B. 951 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

ESTABLISH CIVIL NO-CONTACT ORDERS FOR THE PROTECTION OF INDIVIDUALS WHO ARE VICTIMS OF UNLAWFUL CONDUCT.

Referred to **Judiciary I Committee**.

H.B. 963 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PERSONS CONVICTED OF LEAVING THE SCENE OF AN ACCIDENT INVOLVING INJURY OR DEATH SHALL LOSE THEIR LICENSE FOR A PERIOD OF TWO YEARS.

Referred to **Judiciary II Committee**.

H.B. 969, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO CHANGE THE TERM OF OFFICE OF MAGISTRATES.

Referred to **Judiciary I Committee**.

H.B. 970 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE SCHOOL BUS DRIVERS TO UNDERGO CERTAIN TESTS EVERY TWO YEARS IN ORDER TO RETAIN A SCHOOL BUS DRIVER'S CERTIFICATE.

Referred to **Transportation Committee**.

H.B. 987 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE FISHERIES DIRECTOR TO ISSUE PROCLAMATIONS THAT BECOME EFFECTIVE IMMEDIATELY UPON ISSUANCE AND TO MAKE OTHER TECHNICAL, CLARIFYING, AND CONFORMING CHANGES.

Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 1037 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CRIMINAL PENALTIES FOR ALLOWING JUVENILES TO ESCAPE AND TO ALLOW JUVENILE DETENTION FACILITIES TO PHOTOGRAPH JUVENILES AND TO RELEASE THE PHOTOGRAPHS WHEN THE JUVENILE ESCAPES.

Referred to **Judiciary II Committee**.

H.B. 1043 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE IMMUNITY FROM LIABILITY FOR HEALTH CARE PROVIDERS PROVIDING HEALTH CARE TREATMENT TO PERSONS INJURED BY A TERRORIST INCIDENT.

Referred to **Select Committee on Insurance and Civil Justice Reform**.

H.B. 1047, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE CIVIL ACTIONS OF ALIENATION OF AFFECTION AND CRIMINAL CONVERSATION.

Referred to **Judiciary II Committee**.

H.B. 1066 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE THE SUBMISSION OF COMPLETE CLAIMS BY PROVIDERS UNDER HEALTH BENEFIT PLANS BY REQUIRING HEALTH BENEFIT PLANS TO DISCLOSE TO CONTRACT PROVIDERS THE PLANS'

SCHEDULES OF FEES AND CLAIMS SUBMISSION AND REIMBURSEMENT POLICIES, AND TO PROVIDE NOTICE TO THE PROVIDER PRIOR TO IMPLEMENTING CHANGES TO THE SCHEDULES OR POLICIES.

Referred to **Commerce Committee**.

H.B. 1078 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF MAYO RIVER STATE PARK TO THE STATE PARKS SYSTEM.

Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 1088 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CREDIT REPORTING AGENCIES TO NOTIFY CONSUMERS WHEN THE AGENCIES RECEIVE, WITHIN A TWELVE-MONTH PERIOD PERTAINING TO A CONSUMER, THREE CREDIT INQUIRIES OR A REPORT THAT WOULD ADD NEGATIVE INFORMATION TO THE CONSUMER'S CREDIT FILE.

Referred to **Commerce Committee**.

H.B. 1107 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING MANAGED CARE UTILIZATION REVIEW AND GRIEVANCE PROCEDURES TO MAKE THEM CONFORM WITH THE UNITED STATES DEPARTMENT OF LABOR CLAIM RULES.

Referred to **Commerce Committee**.

H.B. 1123, A BILL TO BE ENTITLED AN ACT TO EXPRESSLY PROVIDE FOR LIMITED GUARDIANSHIPS FOR INCOMPETENT PERSONS AND TO CLARIFY THE DUTY OF A GUARDIAN AD LITEM APPOINTED TO REPRESENT A PERSON IN AN INCOMPETENCY ADJUDICATION.

Referred to **Judiciary II Committee**.

H.B. 1139 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE JUDICIAL APPROVAL FOR PLEA ARRANGEMENTS IN SEX OFFENSE CASES THAT RESULT IN THE VICTIM BECOMING PREGNANT.

Referred to **Judiciary I Committee**.

H.B. 1151 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ADMINISTRATIVE PROCEDURE ACT TO REVISE THE PROCEDURE FOR ADOPTING PERMANENT AND TEMPORARY RULES, TO CREATE A PROCEDURE FOR THE ADOPTION OF EMERGENCY RULES, TO CLARIFY THE ROLE OF THE RULES REVIEW COMMISSION AND TO EXCLUDE THE STATE MEDICAL FACILITIES PLAN FROM THE DEFINITION OF A RULE.

Referred to **Judiciary II Committee**.

H.B. 1152 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROHIBITING AN INSURER FROM AUTHORIZING OR REQUIRING THE USE OF NONORIGINAL CRASH REPAIR PARTS FOR MOTOR VEHICLE REPAIRS WITHOUT CONSENT FROM THE INSURED OR CLAIMANT AND PROHIBITING THE NONREPLACEMENT OF AIR BAGS.

Referred to **Commerce Committee**.

H.B. 1181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE REINSPECTION OF WORKPLACES WHERE WILLFUL SERIOUS VIOLATIONS HAVE BEEN FOUND.

Referred to **Commerce Committee**.

H.B. 1182 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE OCCUPATIONAL SAFETY AND HEALTH ACT AND TO ENHANCE THE PENALTY IF A WILLFUL VIOLATION OF THE ACT CAUSES AN EMPLOYEE'S DEATH.

Referred to **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 1203 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR FUEL MARKETING ACT.

Referred to **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 1207 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PREPARATION, COMPILATION, AND PRESENTATION TO THE GENERAL ASSEMBLY OF SUMMARIES OF EACH RULE SUBJECT TO LEGISLATIVE DISAPPROVAL AND TO PROVIDE THAT A BILL THAT SPECIFICALLY DISAPPROVES A RULE IS NOT SUBJECT TO THE CROSSOVER DEADLINE.

Referred to **Judiciary I Committee**.

H.B. 1213 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE DEFERRED DEPOSIT TRANSACTIONS AND TO PROVIDE ADDITIONAL CONSUMER DISCLOSURES AND PROTECTIONS.

Referred to **Commerce Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 7:44 P.M.

FIFTY-SIXTH DAY

Senate Chamber
Tuesday, May 6, 2003

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 Jeanne Lucas, Senator from Durham County as follows:

"Let us bow for prayer. Almighty God, our Heavenly Father, we bow at this time to acknowledge You and Your goodness. We thank you for all the many wonderful

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talents which You have given to us. We know that You've given us each a special talent and that You ask us to use this talent to Your glory. You've given all of us the talent to love and we hope that each of us will love each other and extend that love beyond these boundaries. We ask your blessings on all of our staff and our leaders and then we humbly ask your submission that these blessings be bestowed upon all North Carolinians. In Your Holy Name we pray, Amen."

The Chair grants leaves of absence for today to Senator Brock, Senator Shaw and Senator Sloan.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Monday, May 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.

The President of the Senate extends courtesies of the floor to Dr. Andrew B. Oliver, Jr. from Charlotte, 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.

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. 355, AN ACT TO ALLOW THE TOWN OF WAKE FOREST TO USE TOWN LABOR FOR PHASED CONSTRUCTION OF ELECTRICAL DISTRIBUTION FEEDER CIRCUITS AND FOR CONSTRUCTION OF AN ELECTRIC SUBSTATION WITHOUT REGARD TO THE DOLLAR VALUE OF THE LABOR. (Became law upon ratification, May 5, 2003–S.L. 2003-32.)

H.B. 703, AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO AND THE GENERAL STATUTES TO INCREASE THE MEMBERSHIP OF THE CITY OF GREENSBORO BOARD OF ALCOHOLIC CONTROL FROM THREE TO FIVE MEMBERS. (Became law upon ratification, May 5, 2003–S.L. 2003-33.)

WITHDRAWAL FROM COMMITTEE

H.B. 208 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROMPT PAY LAW TO CLARIFY THAT A "CLAIMANT" UNDER THE LAW INCLUDES AN "INSURED", THAT REFERENCES TO THIRTY DAYS ARE TO THIRTY "CALENDAR" DAYS, THAT AN INSURER MUST PROVIDE NOTICE OF A PROBLEM WITH A CLAIM WITHIN FIFTEEN DAYS OF RECEIPT OF THE CLAIM, AND THAT THE NINETY-DAY DEADLINE FOR RESPONDING TO ADDITIONAL INFORMATION REQUESTS FROM AN INSURER ONLY APPLIES TO CLAIMS NOT ALREADY DENIED; TO REQUIRE, UNDER THE PROMPT PAY LAWS, A STATUS REPORT WHEN CLAIMS ARE NOT PAID OR DENIED WITHIN SIXTY DAYS EVEN WHEN

THE INSURER IS AWAITING INFORMATION REQUESTED FROM THE CLAIMANT; TO REMOVE FROM THE UNIFORM CREDENTIALING STATUTE AN UNNECESSARY PROVISION; AND TO AMEND UTILIZATION REVIEW LAWS TO CLARIFY THAT A SECOND-LEVEL GRIEVANCE REVIEW PANEL CAN CONSIST OF ONE OR MORE PERSONS, referred to the **Commerce Committee** on May 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Commerce 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 **Commerce Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

H.B. 1203 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR FUEL MARKETING ACT, referred to the **Commerce Committee** on May 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Commerce Committee** and re-referred to the **Judiciary I Committee**, and upon a favorable report, re-referred to the **Commerce Committee**, and upon a favorable report, re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Commerce Committee** and re-refers the measure to the **Judiciary I Committee**, and upon a favorable report re-referred to the **Commerce Committee**, and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 1213 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE DEFERRED DEPOSIT TRANSACTIONS AND TO PROVIDE ADDITIONAL CONSUMER DISCLOSURES AND PROTECTIONS, referred to the **Commerce Committee** on May 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Commerce 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 **Commerce Committee** and re-refers the measure to the **Judiciary I Committee**.

S.B. 452, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF UNION, referred to the **Rules and Operations of the Senate Committee** on March 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**.

The President Pro Tempore extends the courtesies of the gallery to Dr. Johnetta Cole, President of Bennett College, Greensboro, North Carolina.

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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 Hartsell for the **Judiciary II Committee**:

H.B. 24, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VETERANS ADMINISTRATION POLICE OFFICERS TO PROVIDE ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN THE SAME MANNER AS OTHER FEDERAL LAW ENFORCEMENT OFFICERS, with a favorable report.

H.B. 58, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS, with a favorable report.

H.B. 798, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT, with a favorable report.

WITHDRAWAL FROM COMMITTEE

H.B. 888, A BILL TO BE ENTITLED AN ACT TO INCREASE PURCHASING FLEXIBILITY FOR PUBLIC SCHOOLS, referred to the **Commerce Committee** on May 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Commerce 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 **Commerce Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

Upon motion of Senator Dannelly, seconded by Senator Hagan, the Senate adjourns at 2:19 P.M. subject to reading of messages from the House of Representatives, to meet tomorrow, Wednesday, May 7, at 3:00 P.M.

FIFTY-SEVENTH DAY

Senate Chamber
Wednesday, May 7, 2003

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:

"We have taught ourselves well, O Lord, how to be the Lieutenant Governor, Senators, staff, some are lawyers, some are businesspeople, doctors, even a preacher

or two. As I look up in the gallery and see the students, I'm reminded that we should not forget that we are also Your children. Like children, running to the safe arms of a loving parent, we should come to You today in the same manner. We get feelings that are bruised and our egos are skinned and sometimes we're afraid, but we can always come into Your light, seeking Your wisdom and Your encouragement. Like children, we bring to You our love and we offer that love unashamedly and without reservation. Thank you. Amen."

The Chair grants leaves of absence for today to Senator Clodfelter, Senator Malone, and Senator Pittenger.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, May 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.

WITHDRAWAL FROM COMMITTEE

H.B. 1159 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MILITARY DRIVERS LICENSE EXPIRATION PROCEDURE WITHIN THE DIVISION OF MOTOR VEHICLES, referred to the **Transportation Committee** on April 29.

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 bill withdrawn from the **Transportation 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. 798, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Lucas for the **Education/Higher Education Committee**:

S.B. 957, A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATE SCHOOL TESTING PROGRAM, with a favorable report.

Upon motion of Senator Lucas, the bill is re-referred to the **Appropriations/Base Budget Committee**.

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By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

H.B. 727, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT MEMBERS OF THE SOIL AND WATER CONSERVATION COMMISSION ARE AUTHORIZED TO HOLD OFFICE CONCURRENTLY WITH OTHER ELECTIVE OR APPOINTIVE OFFICES, with a favorable report.

By Senator Kerr for the **Finance Committee**:

S.B. 414, A BILL TO BE ENTITLED AN ACT TO ALLOW ROBESON COUNTY TO DELAY THE REAPPRAISAL OF PROPERTY FOR PROPERTY TAX PURPOSES BY ONE YEAR, with a favorable report.

S.B. 420, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WINSTON-SALEM TO COLLECT A TAX OF UP TO TWENTY DOLLARS ON VEHICLES RESIDENT IN THE CITY, with a favorable report.

S.B. 652, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN AIRPORT AUTHORITIES TO ENTER INTO INSTALLMENT CONTRACTS, with a favorable report.

S.B. 936, A BILL TO BE ENTITLED AN ACT TO WAIVE VARIOUS DEADLINES, FEES, AND PENALTIES FOR DEPLOYED MILITARY PERSONNEL, with a favorable report.

H.B. 393 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUTHORITY OF THE BOARD OF COUNTY COMMISSIONERS IN CERTAIN COUNTIES TO REQUIRE THE REGISTER OF DEEDS IN THE COUNTY NOT TO ACCEPT ANY DEED TRANSFERRING REAL PROPERTY FOR REGISTRATION UNLESS THE COUNTY TAX COLLECTOR CERTIFIES THAT NO DELINQUENT TAXES ARE DUE ON THAT PROPERTY, with a favorable report.

S.B. 497, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF MOUNT AIRY, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed and changes the title to read **S.B. 497**, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF MOUNT AIRY, TO ANNEX CERTAIN DESCRIBED PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF MOUNT AIRY, AND TO MODIFY THE CITY OF MOUNT AIRY OCCUPANCY TAX PROVISIONS.

CALENDAR *(continued)*

S.B. 214 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW TERRITORY TO BE REMOVED FROM A RESEARCH AND PRODUCTION SERVICE DISTRICT, 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Metcalf, Moore, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 24, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VETERANS ADMINISTRATION POLICE OFFICERS TO PROVIDE ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN THE SAME MANNER AS OTHER FEDERAL LAW ENFORCEMENT OFFICERS.

The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 58, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS.

The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
May 6, 2003

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 Senate Committee Substitute for HB 397, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, AND TO IMPLEMENT A STATE BUDGET THAT ENABLES THE STATE TO PROVIDE A SUSTAINABLE RECOVERY THROUGH STRONG EDUCATIONAL AND ECONOMIC TOOLS.

Respectfully,
S/Denise Weeks
Principal Clerk

REPORTS TO GENERAL ASSEMBLY

A Commission directed to report to the General Assembly submits reports which are ordered placed on file in the Legislative Library, as follows:

May 7, 2003

The General Statutes Commission submits the Report to the 2003 General Assembly of North Carolina on Study of Issues Raised to Senate Bill 1455 of the 2001 Regular Session (Strengthen Security Fraud Enforcement Laws).

The General Statutes Commission submits the Report to the 2003 General Assembly of North Carolina of Study on Distribution of Phase II Tobacco Payments Without Reopening a Decedent's Estate.

INTRODUCTION OF A RESOLUTION

Senator Rand offers a motion that Rule 40 be suspended to allow the introduction of the following resolution, which motion prevails without objection.

By Senator Soles:

S.J.R. 1021, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE REAPPOINTMENT OF JO ANNE SANFORD TO THE UTILITIES COMMISSION.

Referred to **Commerce Committee**.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Matthew F. Banner, Conover; Rochelle Bodie, Raleigh; Rebekah Borkowski, North Wilkesboro; Nathan Borkowski, North Wilkesboro; Damian Branch, Raleigh; Kimberly Canuette, Kinston; Virginia Ann Clement, Greensboro; Krystal Renee Eason, Linden; William Leon Flowers III, Louisburg; Allison Kate Fonvielle, Warsaw; Andrew P. Hutchinson, North Wilkesboro; Walter Jones, Ruffin; Lauren LaMontague, Waxhaw; Meridith Joy Matthis, Faison; Jennifer Pinkerton, Kernersville; Andrea Serrita Sutton, Raleigh; and Corey Vinson, Raleigh.

Upon motion of Senator Basnight, seconded by Senator Swindell, the Senate adjourns at 3:30 P.M. to meet tomorrow, Thursday, May 8, at 11:00 A.M.

FIFTY-EIGHTH DAY

Senate Chamber
Thursday, May 8, 2003

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, those of us who participate by watching and listening to the Senate proceedings are grateful for what has been and is being accomplished here. We hope

that how and for what we pray at the beginning of each session helps the process because the prayer doesn't stop with our thoughts and our words and an amen. What we do afterwards is our prayer in action. Make us Your people in thought and word and deed today, on behalf of all who need our attention. Then we shall see our prayers continue to make a difference. Amen."

The Chair grants leaves of absence for today to Senator Blake, Senator Dorsett, Senator Gulley and Senator Queen.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, May 7, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 24, AN ACT TO AUTHORIZE VETERANS ADMINISTRATION POLICE OFFICERS TO PROVIDE ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN THE SAME MANNER AS OTHER FEDERAL LAW ENFORCEMENT OFFICERS.

H.B. 58, AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS.

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 Purcell for the **Health and Human Resources Committee**:

H.B. 1177, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PHYSICIANS IN GOOD STANDING TO PRACTICE MEDICINE IN ANOTHER STATE MAY PRACTICE MEDICINE OR SURGERY AT A CAMP FOR THERAPEUTIC RECREATION FOR INDIVIDUALS WITH CHRONIC ILLNESSES UNDER CERTAIN RESTRICTED CONDITIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 30314, is adopted and engrossed.

Upon motion of Senator Basnight, the Committee Substitute bill is placed on the Calendar for Tuesday, May 13.

By Senator Lucas for the **Education/Higher Education Committee**:

S.B. 977, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE USE OF RESTRAINTS AND SECLUSION IN PUBLIC SCHOOLS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

May 8, 2003

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40041, which changes the title to read **S.B. 977** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PHYSICAL RESTRAINTS AND SECLUSION IN PUBLIC SCHOOLS STUDY COMMISSION, is adopted and engrossed.

Upon motion of Senator Basnight, the Committee Substitute bill is placed on the Calendar for Tuesday, May 13.

Without objection, the President *Pro Tempore*, announces that all bills on the Calendar for Monday, May 12, will be placed on the Calendar for Tuesday, May 13.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 414, A BILL TO BE ENTITLED AN ACT TO ALLOW ROBESON COUNTY TO DELAY THE REAPPRAISAL OF PROPERTY FOR PROPERTY TAX PURPOSES BY ONE YEAR, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—43.

Voting in the negative: Senator Webster—1.

The bill is placed on the Calendar for Tuesday, May 13, upon third reading.

S.B. 420, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WINSTON-SALEM TO COLLECT A TAX OF UP TO TWENTY DOLLARS ON VEHICLES RESIDENT IN THE CITY, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 40, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Bingham, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Forrester, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Rand, Rucho, Shaw, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—40.

Voting in the negative: Senators Berger, Foxx, Shubert and Webster—4.

The bill is placed on the Calendar for Tuesday, May 13, upon third reading.

S.B. 497, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF MOUNT AIRY, TO ANNEX CERTAIN DESCRIBED PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF MOUNT AIRY, AND TO MODIFY THE CITY OF MOUNT AIRY OCCUPANCY TAX PROVISIONS, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman,

Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—43.

Voting in the negative: Senator Webster—1.

The bill is placed on the Calendar for Tuesday, May 13, upon third reading.

S.B. 652, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN AIRPORT AUTHORITIES TO ENTER INTO INSTALLMENT CONTRACTS, 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The bill is placed on the Calendar for Tuesday, May 13, upon third reading.

S.B. 936, A BILL TO BE ENTITLED AN ACT TO WAIVE VARIOUS DEADLINES, FEES, AND PENALTIES FOR DEPLOYED MILITARY PERSONNEL.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 317, A BILL TO BE ENTITLED AN ACT RELATING TO THE 36TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 6.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

H.B. 147 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LEFT TURNS ON RED IN CERTAIN SITUATIONS, referred to the **Judiciary II Committee** on May 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Judiciary II 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 **Judiciary II Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

H.B. 1146, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF THE DEPARTMENT OF ADMINISTRATION TO ADOPT RULES AND GUIDELINES FOR RETAINAGE FROM PAYMENT ON PUBLIC

May 8, 2003

CONSTRUCTION CONTRACTS, referred to the **State Government, Local Government, and Veterans' Affairs Committee** on May 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **State Government, Local Government, and Veterans' Affairs 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 Government, Local Government, and Veterans' Affairs Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

CALENDAR *(continued)*

H.B. 393 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUTHORITY OF THE BOARD OF COUNTY COMMISSIONERS IN CERTAIN COUNTIES TO REQUIRE THE REGISTER OF DEEDS IN THE COUNTY NOT TO ACCEPT ANY DEED TRANSFERRING REAL PROPERTY FOR REGISTRATION UNLESS THE COUNTY TAX COLLECTOR CERTIFIES THAT NO DELINQUENT TAXES ARE DUE ON THAT PROPERTY.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 727, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT MEMBERS OF THE SOIL AND WATER CONSERVATION COMMISSION ARE AUTHORIZED TO HOLD OFFICE CONCURRENTLY WITH OTHER ELECTIVE OR APPOINTIVE OFFICES.

The bill passes its second reading (45-0).

Upon motion of Senator Rand, the bill is placed on the Calendar for Thursday, May 15.

Upon motion of Senator Dannelly, seconded by Senator Hagan, the Senate adjourns at 11:43 A.M. to meet Monday, May 12, at 7:00 P.M.

FIFTY-NINTH DAY

Senate Chamber
Monday, May 12, 2003

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:

"Gracious God, we do pray that you would guard us from the temptation we have sometimes to merely watch and observe life, letting it pass by from a safe place away from the crowds. Instead, help us to walk without fear into complex issues that redeem people. Help us to lend a hand in the common chores of existence and to cease being anxious about advantages or disadvantages.

"When you said 'A person who loses his or her life for my sake will find it.' you were defining for us how to live a real life. This week help us to make a meaningful difference in someone's life, we pray. Amen."

The Chair grants leaves of absence for tonight to Senator Ballantine, Senator Bingham, Senator Carpenter, Senator Dalton, Senator Holloman, Senator Jenkins, Senator Pittenger, Senator Sloan and Senator Weinstein.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, May 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 Pro Tempore of the Senate extends courtesies of the floor to Dr. Douglas K. Holmes from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Carol Lundrigan from Lexington, North Carolina, who is serving the Senate as Nurse of the Day.

WITHDRAWAL FROM COMMITTEE

H.B. 147 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LEFT TURNS ON RED IN CERTAIN SITUATIONS, referred to the **Rules and Operations of the Senate Committee** on May 8.

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 II 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 II Committee**.

H.B. 1047, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE CIVIL ACTIONS OF ALIENATION OF AFFECTION AND CRIMINAL CONVERSATION, referred to the **Judiciary II Committee** on May 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary II 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 **Judiciary II Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 393, AN ACT TO MODIFY THE AUTHORITY OF THE BOARD OF COUNTY COMMISSIONERS IN CERTAIN COUNTIES TO REQUIRE THE REGISTER OF DEEDS IN THE COUNTY NOT TO ACCEPT ANY DEED TRANSFERRING REAL PROPERTY FOR REGISTRATION UNLESS THE COUNTY TAX COLLECTOR CERTIFIES THAT NO DELINQUENT TAXES ARE DUE ON THAT PROPERTY.

May 12, 2003

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 39 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO ASSESS INTEREST ON PREMIUM PAYMENTS NOT REMITTED BY CHARTER SCHOOL EMPLOYING UNITS IN A TIMELY MANNER, for concurrence in House Amendment No. 1.

The Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, May 13.

S.B. 295 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES FOR PARAMEDICS AND THE NORTH CAROLINA COASTAL FEDERATION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, May 13.

S.B. 384 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN AND WILMINGTON URBAN LOOPS AND OTHER INTRASTATE IMPROVEMENT PROJECTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, May 13.

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, 2003

The Honorable Marc Basnight
President Pro Tempore
NC General Assembly
2007 Legislative Building
Raleigh, NC 27601

Dear President Pro Tem Basnight:

Pursuant to North Carolina General Statute § 115C-10, I hereby appoint and reappoint the following to the North Carolina State Board of Education and submit their names for confirmation by the North Carolina General Assembly. Their terms will begin immediately pending confirmation and expire on March 31, 2011.

- Mr. Robert Tom Speed represents Education Region 7 and will fill the seat currently held by Mr. Ronald E. Deal - New Appointment
- Ms. Kathy A. Taft represents Education Region 1 and has served since April 1995 - Reappoint
- Mr. John A. Tate, III fills an At-Large Seat and has served since January 2003 - Reappoint

Enclosed is biographical information on these appointees. Please feel free to call on them or members of my staff if you need additional information.

With kindest regards, I remain.

Very truly yours,



Michael F. Easley

MFE:bc

Enclosures

c: The Honorable Beverly Perdue
The Honorable James Black
The Honorable Richard Morgan
Ms. Denise Weeks
Ms. Janet Pruitt

Referred to the **Education/Higher Education Committee**.

Upon motion of Senator Dannelly, seconded by Senator Reeves, the Senate adjourns at 7:16 P.M. to meet tomorrow, Tuesday, May 13, at 3:00 P.M.

May 12, 2003

SIXTIETH DAY

Senate Chamber
Tuesday, May 13, 2003

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, Mark Twain once commented, 'Being unable to forget is infinitely more devastating than being unable to remember.'

"Though offered in a difficult context, there is a word from you and about you in his statement, a word that reminds us that you are a God who offers us second chances, a God who is willing to forget our mistakes if we are sincere about the opportunities afforded us by a second chance.

"If we believe that you are a God who offers us second chances, help us to be willing to do the same for those who earnestly seek a second chance from us. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, May 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 K. Williford, Jr. from Charlotte, 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:

S.B. 731, AN ACT TO INCREASE THE SIZE OF PACKAGES OF FERTILIZER THAT MAY BE SOLD WITH NUTRIENT GUARANTEES STATED IN FRACTIONAL PERCENTAGES AND TO AUTHORIZE THE BOARD OF AGRICULTURE TO ADOPT TEMPORARY RULES IN ORDER TO ESTABLISH RENTAL RATES FOR THE USE OF FACILITIES OPERATED BY THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 162, AN ACT TO REPEAL THE FAYETTEVILLE FIREMEN'S SUPPLEMENTAL RETIREMENT BENEFIT FUND.

S.B. 276, AN ACT TO AMEND THE PROVISIONS OF THE WINSTON-SALEM FIREMEN'S RETIREMENT FUND.

WITHDRAWAL FROM COMMITTEE

S.B. 119, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on February 20.

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**.

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. 126 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW GOVERNING EVIDENCE ADMISSIBLE IN CERTAIN JUVENILE HEARINGS, with a favorable report.

H.B. 952, A BILL TO BE ENTITLED AN ACT TO MAKE A CLARIFYING CHANGE TO THE LAWS RELATING TO THE CONFIRMATION OF AN ARBITRATION AWARD UNDER THE FAMILY LAW ARBITRATION ACT, with a favorable report.

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 636 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE EFFECT TO ELECTRONIC JUDGMENT DOCKETS BY MODERNIZING LAWS REGARDING JUDGMENTS AND REESTABLISHING THE EFFECTIVE DATE OF CIVIL JUDGMENT LIENS AND THE DATE FROM WHICH INTEREST ACCRUES ON JUDGMENTS, with a favorable report.

H.B. 950 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO OBTAIN THE APPROVAL OF THE COURT BEFORE PLACING A JUVENILE COMMITTED TO THE DEPARTMENT IN A PROGRAM NOT LOCATED IN A YOUTH DEVELOPMENT CENTER OR DETENTION FACILITY, with a favorable report.

By Senator Soles for the **Commerce Committee**:

H.B. 475, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTE PERTAINING TO REGISTRATION OF BIRTH AND DEATH CERTIFICATES, with a favorable report.

H.B. 1065 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

May 13, 2003

MODIFY THE AUTHORITY AND PROCEDURE FOR A REDEVELOPMENT COMMISSION TO CONVEY CERTAIN PROPERTY IN A DESIGNATED REDEVELOPMENT AREA, with a favorable report.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 1025, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF HAW RIVER STATE PARK TO THE STATE PARKS SYSTEM, with a favorable report.

H.B. 1078 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF MAYO RIVER STATE PARK TO THE STATE PARKS SYSTEM, with a favorable report.

H.B. 1134, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE BY WHICH COASTAL HABITAT PROTECTION PLANS MUST BE ADOPTED, with a favorable report.

H.B. 987 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE FISHERIES DIRECTOR TO ISSUE PROCLAMATIONS THAT BECOME EFFECTIVE IMMEDIATELY UPON ISSUANCE AND TO MAKE OTHER TECHNICAL, CLARIFYING, AND CONFORMING CHANGES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30324, is adopted and engrossed.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 123 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIES OF CLINTON AND LUMBERTON AND THE TOWN OF FRANKLIN TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, May 14.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 414, A BILL TO BE ENTITLED AN ACT TO ALLOW ROBESON COUNTY TO DELAY THE REAPPRAISAL OF PROPERTY FOR PROPERTY TAX PURPOSES BY ONE YEAR, 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 420, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WINSTON-SALEM TO COLLECT A TAX OF UP TO TWENTY DOLLARS ON VEHICLES RESIDENT IN THE CITY, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 28, noes 22, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Clodfelter, Dalton, Dannelly, Dorsett, Garrou, Gulley, Hagan, Hargett, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Purcell, Queen, Rand, Reeves, Shaw, Soles, Swindell, Thomas and Weinstein—28.

Voting in the negative: Senators Allran, Apodaca, Ballantine, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Horton, Pittenger, Rucho, Shubert, Sloan, Smith, Stevens, Tillman and Webster—22.

The bill is ordered sent to the House of Representatives.

S.B. 497, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF MOUNT AIRY, TO ANNEX CERTAIN DESCRIBED PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF MOUNT AIRY, AND TO MODIFY THE CITY OF MOUNT AIRY OCCUPANCY TAX PROVISIONS, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 47, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—47.

Voting in the negative: Senators Brock, Sloan and Webster—3.

The bill is ordered sent to the House of Representatives.

S.B. 652, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN AIRPORT AUTHORITIES TO ENTER INTO INSTALLMENT CONTRACTS, 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 977 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PHYSICAL RESTRAINTS AND SECLUSION IN PUBLIC SCHOOLS STUDY COMMISSION.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

H.B. 1177 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PHYSICIANS IN GOOD STANDING TO PRACTICE MEDICINE IN ANOTHER STATE MAY PRACTICE MEDICINE OR SURGERY AT A CAMP FOR THERAPEUTIC RECREATION FOR INDIVIDUALS WITH CHRONIC ILLNESSES UNDER CERTAIN RESTRICTED CONDITIONS.

The Senate Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 295 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES FOR PARAMEDICS AND THE NORTH CAROLINA COASTAL FEDERATION, 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 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—50.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, May 14 for concurrence upon third reading.

S.B. 39 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO ASSESS INTEREST ON PREMIUM PAYMENTS NOT REMITTED BY CHARTER SCHOOL EMPLOYING UNITS IN A TIMELY MANNER, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (50-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 384 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN AND WILMINGTON URBAN LOOPS AND OTHER INTRASTATE IMPROVEMENT PROJECTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Gulley, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 20, for concurrence in the House Committee Substitute bill.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 676, A BILL TO BE ENTITLED AN ACT TO AMEND THE BANKING LAWS OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35276, is adopted and engrossed.

H.B. 326, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF JONESVILLE, with a favorable report.

PERSONAL PRIVILEGE

With unanimous consent, upon motion of Senator Foxx, the remarks of Senator Clodfelter who rises to a point of personal privilege, are spread upon the Journal, as follows:

Senator Clodfelter:

"I think we ought to just remark here the passing this weekend of a very notable North Carolinian, Anne Cannon Reynolds Forsyth. She was the daughter and granddaughter of two of the leading families who helped found a large part of the institutions in our State, educational institutions and charitable institutions. She was a remarkable lady and a leader in philanthropy across the State and I just think we should honor her and mark her passing."

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Spring H. Batstone, Lenoir; Genesis Broadway, Salemburg; Pauline DeVertauil, Salemburg; Jesse Ellington, Apex; Travis Fredrick Ellis, Goldsboro; Rachel Farley, Sanford; Sable Brooke Walker Hall, Whiteville; Loy Jones, Burlington; Stephen H. Kouba, Jr., Fayetteville; Dominique Lindsay, Garner; Bethany Lizann Malcolm, Faison; Briana L. Maness, Yanceyville; Jesse Maness, Yanceyville; Christopher Mathew, Fayetteville; Sarah M. Moreno, Raleigh; Megan O'Hare, Salemburg; Michelle L. Schirmer, Salemburg; Justin Ryan Taylor, Elizabethtown; and James N. Whitley IV, Raleigh.

May 13, 2003

Upon motion of Senator Basnight, seconded by Senator Soles, the Senate adjourns at 3:54 P.M. to meet tomorrow, Wednesday, May 14, at 3:00 P.M.

SIXTY-FIRST DAY

Senate Chamber
Wednesday, May 14, 2003

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, Godly integrity, or honesty, is the linch pin without which we, and the society in which we live, would fall apart.

"As your people, we find ourselves in the challenging position of simultaneously trying to hold the world together while keeping ourselves together. Living with integrity would be impossible without you.

"Remind us, O God, wherever we find ourselves, that in our attempt to be your people, people with integrity, in you we live and move and have our being. That is our only claim to and hope for true integrity. Amen."

The Chair grants a leave of absence for today to Senator Garwood.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, May 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 Pro Tempore of the Senate extends courtesies of the floor to Dr. John W. Lovett from Wilmington, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 39, AN ACT TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO ASSESS INTEREST ON PREMIUM PAYMENTS NOT REMITTED BY CHARTER SCHOOL EMPLOYING UNITS IN A TIMELY MANNER.

S.B. 422, AN ACT TO AMEND THE ADVANCE HEALTH CARE

DIRECTIVE REGISTRY LAW TO EXEMPT FROM NOTARY REQUIREMENTS
ANATOMICAL GIFT INSTRUMENTS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 102, AN ACT TO PROVIDE THAT WHEN A VACANCY OCCURS IN THE OFFICE OF SHERIFF OF SURRY COUNTY, THE BOARD OF COMMISSIONERS SHALL CONSULT WITH THE COUNTY EXECUTIVE COMMITTEE OF THE PARTY WITH WHICH THE SHERIFF WAS ELECTED AS A NOMINEE, AND IF THE EXECUTIVE COMMITTEE MAKES A NOMINATION WITHIN 30 DAYS, THE BOARD OF COMMISSIONERS MUST APPOINT THAT PERSON.

S.B. 356, AN ACT AUTHORIZING THE CITY OF HENDERSON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE.

S.B. 490, AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON TO ALLOW THE CITY MANAGER TO SETTLE CLAIMS AGAINST THE CITY WHEN THE AMOUNT OF THE CLAIMS DO NOT EXCEED THE CITY'S INSURANCE DEDUCTIBLE.

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. 162, AN ACT TO REPEAL THE FAYETTEVILLE FIREMEN'S SUPPLEMENTAL RETIREMENT BENEFIT FUND. (Became law upon ratification, May 13, 2003-S.L. 2003-34.)

S.B. 276, AN ACT TO AMEND THE PROVISIONS OF THE WINSTON-SALEM FIREMEN'S RETIREMENT FUND. (Became law upon ratification, May 13, 2003-S.L. 2003-35.)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 987 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE FISHERIES DIRECTOR TO ISSUE PROCLAMATIONS THAT BECOME EFFECTIVE IMMEDIATELY UPON ISSUANCE AND TO MAKE OTHER TECHNICAL, CLARIFYING, AND CONFORMING CHANGES.

Upon motion of Senator Albertson, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 20.

H.B. 1025, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF HAW RIVER STATE PARK TO THE STATE PARKS SYSTEM.

May 14, 2003

Upon motion of Senator Albertson, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 20.

H.B. 1078 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF MAYO RIVER STATE PARK TO THE STATE PARKS SYSTEM.

Upon motion of Senator Albertson, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 20.

H.B. 1134, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE BY WHICH COASTAL HABITAT PROTECTION PLANS MUST BE ADOPTED.

Upon motion of Senator Albertson, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 20.

The Chair grants a leave of absence for the remainder of today's session to Senator Albertson.

The Senate recesses at 3:25 P.M. 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 The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

REPORTS OF COMMITTEES

Bills and a resolution 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**:

H.J.R. 1161, A JOINT RESOLUTION ENCOURAGING NASCAR TO RETAIN THE CURRENT FIVE WINSTON CUP RACES IN THIS STATE, TWO AT NORTH CAROLINA SPEEDWAY AND THREE AT LOWE'S MOTOR SPEEDWAY, AND COMMEMORATING NASCAR AND ITS PIONEERS AS NORTH CAROLINA IS THE STOCK CAR RACING CAPITAL OF THE WORLD, with an unfavorable report as to joint resolution, but favorable as to Senate Committee Substitute joint resolution.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute joint resolution 60346, which changes the title to read **H.J.R. 1161** (Senate Committee Substitute), A JOINT RESOLUTION HONORING NASCAR, ITS PIONEER RACING FAMILIES AND DRIVERS, AND NORTH CAROLINA MOTOR RACING, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute joint resolution is placed on today's Calendar.

By Senator Hoyle for the **Finance Committee**:

S.B. 934, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A REGISTRATION FEE FOR THE AUTHORIZATION OF A PRIVATE FACILITY TO SERVE DWI OFFENDERS, with a favorable report.

By Senator Kerr for the **Finance Committee**:

S.B. 475, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTIES TO THE TOWN OF DALLAS, with a favorable report.

H.B. 517 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF HOLLY SPRINGS, with a favorable report.

H.B. 755 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF CARY AND GARNER TO ACQUIRE PROPERTY FOR THE PRESENT OR FUTURE LOCATION OR RELOCATION OF TELEPHONE, TELEGRAPH, ELECTRIC, OR OTHER LINES TO BE OPERATED BY PUBLIC UTILITIES, with a favorable report.

H.B. 790, A BILL TO BE ENTITLED AN ACT REPEALING THE CHARTER FOR THE TOWN OF CASHIERS BECAUSE THE TOWN HAS BEEN INACTIVE SINCE INCORPORATION, AND INCORPORATING THE VILLAGE OF CASHIERS, with a favorable report.

S.B. 317, A BILL TO BE ENTITLED AN ACT RELATING TO THE 36TH 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 40042, which changes the title to read **S.B. 317** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR A TWO-YEAR MORATORIUM ON ANNEXATIONS INTO THE COUNTY OF CABARRUS BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THE COUNTY, is adopted and engrossed.

By Senator Shaw for the **Transportation Committee**:

H.B. 21 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND TO AUTHORIZE THE USE OF HIGHWAY TRUST FUND FUNDS TO MATCH FEDERAL-AID HIGHWAY FUNDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, with a favorable report.

Upon motion of Senator Shaw, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 22 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE THE PORTION OF CONTRACT MAINTENANCE RESURFACING FUNDS

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ALLOCATED TO WIDENING EXISTING NARROW PAVEMENTS SCHEDULED FOR RESURFACING TO WIDEN ANY EXISTING NARROW PAVEMENTS AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE HIGHWAY TRUST FUND SECONDARY ROAD PAVING FUNDS ALLOCATED TO EACH COUNTY FOR THE ADDITIONAL PURPOSE OF SAFETY IMPROVEMENTS ON PAVED AND UNPAVED ROADS IN THE SAME COUNTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, with a favorable report.

By Senator Carrington for the **Information Technology Committee**:

H.B. 1003 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO STATE GOVERNMENT INFORMATION TECHNOLOGY SECURITY, with a favorable report.

By Senator Soles for the **Commerce Committee**:

S.B. 655, A BILL TO BE ENTITLED AN ACT MAKING CLARIFYING CHANGES TO THE DEFINITION OF LOCKSMITH SERVICES UNDER THE LOCKSMITH LICENSING ACT, AMENDING THE POWERS OF THE NORTH CAROLINA LOCKSMITH LICENSING BOARD TO ALLOW THE BOARD TO EMPLOY AN ATTORNEY AND ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS UPON THE BOARD'S REQUEST, AUTHORIZING THE BOARD TO REQUIRE CRIMINAL HISTORY RECORD CHECKS OF PERSONS APPLYING TO PRACTICE LOCKSMITHING IN THIS STATE, AMENDING THE LOCKSMITH LICENSING ACT TO ALLOW THE BOARD TO REGULATE APPRENTICE LOCKSMITHS AND COLLECT FEES, CLARIFYING THE EXEMPTION FOR TOWING SERVICES UNDER THE ACT, AND ALLOWING THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE OR APPRENTICE DESIGNATION UPON THE REQUEST OF THE BOARD, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35284, which changes the title to read **S.B. 655** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE DEFINITION OF LOCKSMITH SERVICES UNDER THE LOCKSMITH LICENSING ACT, TO AMEND THE POWERS OF THE NORTH CAROLINA LOCKSMITH LICENSING BOARD TO ALLOW THE BOARD TO EMPLOY AN ATTORNEY AND HAVE CONDUCTED CRIMINAL HISTORY RECORD CHECKS ON APPLICANTS, TO AMEND THE LOCKSMITH LICENSING ACT TO ALLOW THE BOARD TO REGULATE APPRENTICE LOCKSMITHS AND COLLECT FEES, TO CLARIFY THE EXEMPTION FOR TOWING SERVICES UNDER THE ACT, AND TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS OF APPLICANTS FOR LICENSURE OR APPRENTICE DESIGNATION AS A LOCKSMITH, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 42 (Committee Substitute), 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 Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50282, is adopted and engrossed.

By Senator Metcalf for the **Education/Higher Education Committee**:

S.B. 700, A BILL TO BE ENTITLED AN ACT TO INCREASE THE SALARY OF TEACHER ASSISTANTS AND TO PAY TUITION FOR THE COURSES TEACHER ASSISTANTS MUST TAKE TO COMPLY WITH THE NO CHILD LEFT BEHIND ACT OF 2001, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 103, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS TO CONFORM TO THE INCREASE IN THE NUMBER OF CONGRESSIONAL DISTRICTS IN THIS STATE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

H.B. 223, A BILL TO BE ENTITLED AN ACT TO PERMIT THE STATE BOARD OF COMMUNITY COLLEGES TO USE CERTAIN FUNDS TO PROVIDE FINANCIAL ASSISTANCE TO STUDENTS WITH DISABILITIES, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 234, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION PROCESS FOR COMMUNITY COLLEGE STUDENTS REQUESTING FINANCIAL ASSISTANCE, with a favorable report.

H.B. 1166 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL EMPLOYEES, with a favorable report.

Upon motion of Senator Metcalf, the Committee Substitute bill is re-referred to the **Pensions & Retirement and Aging Committee**.

By Senator Bingham for the **Health and Human Resources Committee**:

H.B. 80 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT CERTAIN REPORTS BE MADE TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, with a favorable report.

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H.B. 461, A BILL TO BE ENTITLED AN ACT TO DELAY THE EFFECTIVE DATE OF THE INTERPRETER AND TRANSLITERATOR LICENSURE ACT, with a favorable report.

H.B. 462, A BILL TO BE ENTITLED AN ACT TO INCLUDE DULY LICENSED MARRIAGE AND FAMILY THERAPISTS UNDER THE INSURANCE 'FREEDOM OF CHOICE' LAW AND UNDER THE PROFESSIONAL CORPORATIONS ACT, with a favorable report.

Upon motion of Senator Bingham, the bill is placed on the Calendar for Wednesday, May 21.

H.B. 907 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE COUNCIL FOR THE DEAF AND THE HARD OF HEARING, TO INCREASE THE MEMBERS ON THE COUNCIL, AND TO CHANGE THE APPOINTING AUTHORITY FOR TWO OF THE MEMBERS APPOINTED TO THE COUNCIL, 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 30333, is adopted and engrossed.

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

H.B. 745, A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP OF THE NORTH CAROLINA INDIAN CULTURAL CENTER BOARD, 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 45139, is adopted and engrossed.

H.B. 134, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF ROANOKE RAPIDS TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE, with a favorable report.

H.B. 355, A BILL TO BE ENTITLED AN ACT TO OFFICIALLY DESIGNATE THE INDIANS PREVIOUSLY RECOGNIZED IN THE GENERAL STATUTES AS THE INDIANS OF PERSON COUNTY AS SAPPONY, with a favorable report.

H.B. 480, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR ALL FIVE MEMBERS OF THE BOARD OF COMMISSIONERS OF WILKES COUNTY, RATHER THAN THE CURRENT SYSTEM WHERE FOUR OF THE MEMBERS ARE ELECTED FOR STAGGERED FOUR-YEAR TERMS AND ONE FOR A TWO-YEAR TERM, with a favorable report.

H.B. 512, A BILL TO BE ENTITLED AN ACT TO ALLOW NONRESIDENT PROPERTY OWNERS TO SERVE ON THE HISTORIC PRESERVATION COMMISSION IN THE TOWN OF NAGS HEAD, with a favorable report.

H.B. 686, A BILL TO BE ENTITLED AN ACT TO EXEMPT DARE COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS, with a favorable report.

H.B. 710 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD A MEMBER REPRESENTING THE OCCANEECHI BAND OF THE SAPONI NATION TO THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER, with a favorable report.

H.B. 746, A BILL TO BE ENTITLED AN ACT TO AMEND AND MODERNIZE THE LAW NAMING THE INDIAN TRIBES IN THIS STATE BY ADDING CLARIFYING INFORMATION ABOUT REFERENCES TO THE LUMBEE TRIBE AND BY ADDING SECTIONS RECOGNIZING THE MEHERRIN TRIBE AND THE OCCANEECHI BAND OF THE SAPONI NATION, with a favorable report.

H.B. 750 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF PINEBLUFF TO CONVEY TO ADJACENT PROPERTY OWNERS INTERNAL CENTER COURTS AND ALLEYS AT PRIVATE NEGOTIATED SALE, with a favorable report.

S.B. 89, A BILL TO BE ENTITLED AN ACT RELATING TO THE 46TH 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 65259, which changes the title to read **S.B. 89** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LAKE LURE MARINE COMMISSION, is adopted and engrossed.

H.B. 765, A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN CHOWAN 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 50278, is adopted and engrossed.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 814 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING COMPETITIVE AND DEREGULATED OFFERINGS OF TELECOMMUNICATIONS SERVICES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 15.

CALENDAR *(continued)*

H.B. 326, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN
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DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF JONESVILLE, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Thursday, May 15, upon third reading.

S.B. 123 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIES OF CLINTON AND LUMBERTON AND THE TOWN OF FRANKLIN TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled.

S.B. 676 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE BANKING LAWS OF NORTH CAROLINA.

Without objection, Senator Smith requests to be excused from voting on the Committee Substitute bill due to a conflict of interest.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

H.B. 126 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW GOVERNING EVIDENCE ADMISSIBLE IN CERTAIN JUVENILE HEARINGS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 475, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTE PERTAINING TO REGISTRATION OF BIRTH AND DEATH CERTIFICATES.

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 636 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE EFFECT TO ELECTRONIC JUDGMENT DOCKETS BY MODERNIZING LAWS REGARDING JUDGMENTS AND REESTABLISHING THE EFFECTIVE DATE OF CIVIL JUDGMENT LIENS AND THE DATE FROM WHICH INTEREST ACCRUES ON JUDGMENTS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 950 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO OBTAIN THE APPROVAL OF THE COURT BEFORE PLACING A JUVENILE COMMITTED TO THE DEPARTMENT IN A PROGRAM NOT LOCATED IN A YOUTH DEVELOPMENT CENTER OR DETENTION FACILITY.

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 *Pro Tempore*, orders the measure placed on the Calendar for tomorrow, May 15.

H.B. 952, A BILL TO BE ENTITLED AN ACT TO MAKE A CLARIFYING CHANGE TO THE LAWS RELATING TO THE CONFIRMATION OF AN ARBITRATION AWARD UNDER THE FAMILY LAW ARBITRATION ACT.

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1065 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUTHORITY AND PROCEDURE FOR A REDEVELOPMENT COMMISSION TO CONVEY CERTAIN PROPERTY IN A DESIGNATED REDEVELOPMENT AREA.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 295 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES FOR PARAMEDICS AND THE NORTH CAROLINA COASTAL FEDERATION, for concurrence in the House Committee Substitute upon third reading.

The Senate concurs in the House Committee Substitute on its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

H.J.R. 1161 (Senate Committee Substitute), A JOINT RESOLUTION HONORING NASCAR, ITS PIONEER RACING FAMILIES AND DRIVERS, AND NORTH CAROLINA MOTOR RACING.

Upon motion of Senator Rand, the Senate Committee Substitute joint resolution is read in its entirety and, upon motion of Senator Foxx, the remarks of the members are spread upon the Journal, as follows:

Senator Rand:

"Thank you very much, Mr. President, ladies and gentlemen of the Senate. NASCAR is an amazing part of North Carolina. I used to belong to NASCAR as an

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industrial observer. I'm not sure what that was, but it got me down into the pits where I could watch what was going on. It was a most interesting and a most enlightening and educating process. I first went to a race, I think it was in 1956. It was a track here in Raleigh and I remember Tim and Fonty Flock were there, and they drove those great big Chrysler 300's. They were white, and Herb Thomas had a 1956 Buick Century. It was Tim Clark at that time that had a monkey that had a real racing suit on that would ride in the car with him. It was a colorful crowd. It was a colorful event. It was an amazing group of people. It has now become a huge enterprise that is most important to North Carolina's economy. North Carolina, I think, is the center of NASCAR in this Country. We have Humpy Wheeler and Bruton Smith who owns the Charlotte Motor Speedway. We have the trucking family down in Rockingham that owned the track down there until they recently sold out. There are so many families in North Carolina that have done so much to make this what it is today. If you've never been to a NASCAR sanctioned event, you need to go. NASCAR fans spend more per event than any other sporting fan in this Country. You go and you see each driver has his own great big tractor trailer where they sell the hats, coats, all sorts of memorabilia and things that they sell. It's just an amazing financial enterprise. Then of course, the racing is most exciting, very complex, and what it has done to develop a different sort of automotive technology and a lot of other things is most important to the economy of this Country. The Earnhardts, the Pettys, the Jarretts, of course they are all great families in motorsport racing, they are great families in North Carolina. They've done a great deal for our State and we are delighted to recognize them for their participation. NASCAR is a wonderful part of our State. We hope it remains the same and, I think, by this resolution today, we're recognizing the importance of all of this to North Carolina. I believe this weekend they will be running in Charlotte and I hope all of you will go down and watch that exciting event. We are delighted to be a part of this. I would ask all of you for your support in this resolution."

Senator Purcell:

"I want to speak about the North Carolina speedway in Rockingham where there are two NASCAR Winston Cup events each year. This is down in Richmond County where they have had unemployment rates as high as eleven percent in recent months. The race brings a lot of jobs to that community. It's not just right around the week of the race, but they're year round jobs. Some of you may think that you don't like racing, but if you go down there like I've done with Senator Plyler and some of the others and get in a booth, I'll have to admit that a lot of the people in the booth don't have any idea who's winning the race, but they have a lot of fun eating and drinking and they spend money there and they bring jobs to the whole surrounding area of Richmond County. To lose one of these races, and there's been some talk about that, would be a tremendous blow to the economy of that whole area of North Carolina. I urge you to support this resolution stating that we do support the racing industry in the State of North Carolina. Thank you."

Senator Rucho:

"Thank you, Mr. President. Very briefly, if I may, I was involved early on with Bruton Smith and the people from the Lowes Motor Speedway, then called the Charlotte Motor Speedway. Not only do they prove to be very valuable in producing jobs and tourism, but one factor that impressed me very much is that the whole

NASCAR community got behind what was the World 600 Children's Charity. Today's it's called the Coca-Cola 600. The World 600 Children's Charity put together millions and millions of dollars to go to children in North Carolina and to help them in many ways, whether it's health, or disabled children, and the like. Along with what they do for our community as far as economic interests, they do a lot in the charitable area and they should be applauded for that."

Senator Webster:

"I'm glad to see y'all newcomers know so much about this. Senator Rand, I started some years earlier and I'm surprised that you weren't watching the races until 1956, you must have been forty by then. I used to love those dirt tracks. Fonty Flock, Tim Flock, back before they were driving those big Chryslers that Senator Rand was talking about, I believe they were driving Packard Clippers, '40 Fords, such an assortment of things. There was a special racer and he lived just across the line up yonder where the surveyor made a mistake. They think it is in Virginia, but it's not. The fellow's name is Wendell Scott and Wendell Scott didn't own but one automobile and he used it for all purposes. He used it for transporting recreational beverages so they say. I can't verify that. He was a good mechanic. He was his own mechanic. He came to the race by himself many times. He had some spare tires. He would take the back seat out and put some spare tires in there. When he had to change a tire he got out, jacked up the car, and changed the tire. He suffered alone so much in the highly competitive spirit of the early, early racing and held in there. He was always nice, always polite, always reasonable, until he started acquiring some respect. He was one black man in a sea of whites, including myself. I hope y'all will excuse me for calling me and my friends rednecks. They were dirt track racing, they were good mechanics, and good people, and they learned by necessity. I want to tell y'all that racing, we drive very safe cars now. The cockpits of our cars are much safer than they were forty years ago. The main reason for that is because of auto racing. Those guys who were mechanics, engineers, drivers, business managers, Lee Petty and his son Richard are two of the best in the world, spent all their time trying to figure out how to make that car so that it would survive a crash. They have done an excellent, excellent job of that. Occasionally we still get somebody hurt bad, or somebody killed, and I'm sorry for that. Were it not for what was discovered in car racing, our cars would not be as safe, nor would our airplanes, because much of what was learned about building cockpits to survive a crash in airplanes was learned from auto racing. I'm proud to have known that sport for so long and I hope we never have the time that someone says that it ought to be stopped because it makes noise and wastes gas. Thank you."

Senator Swindell:

"Thank you, Mr. President. As I read this resolution, you know there are many people who helped make NASCAR great and racing great in North Carolina and no matter where you come from in this State, you represent some of those people. I would like to mention one of those folks today, as I told Senator Thomas sitting next to me. He was a racecar driver and his name was Buddy Loveland. Buddy had his own garage and he built his cars, he was his own engineer. He was killed in an automobile when his daughter was nine years old. That spirit that he had in all his family and friends and Buddy's daughter, when she was nine, she used to sit up in the cars. That's where her father would sit her and to this day her favorite smell is the

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smell of a garage. She loves to wash cars, she loves to mow grass, she loves engines, and I say to all the race fans of North Carolina, we honor them. That was my wife, Diane's, father. Thank you."

Senator Pittenger:

"I think NASCAR has really shown us something distinctive in that they are a real family. They have demonstrated that to the world. Over the last ten years I've been involved in a ministry with them called Motor Racing Outreach. They are basically the sanction group that leads the chapels there, MRO does. They are at all the races. The unique thing about them is how they care for one another. They are a very, very competitive group, tremendous amounts of money involved, yet I've seen them be very supportive. My son and I had occasion to go down with the pit crews to Daytona and it happened to be the year that Dale Earnhardt won. We left at 4:30 in the morning and came back late after the race. All the crews were on there, on the plane. The Earnhardt crew was the last to get on and when they got on everybody stood and cheered and yelled for them. That said a lot to me. Here's a group of people who compete, like we compete, and yet they have drawn together to support each other at important times. Thank you."

Senator Sloan:

"I don't believe I could go back home if I didn't point out that the little town where I reside is Mooresville, North Carolina. It's known as 'Race City, USA.' We are told that we have more race shops in the corporate limits of our town than any other town in the State. As one who observes the impact of the racing on their community, I must commend to you the many points made in this bill. It is true to life, it does have an impact, it's a major, major business in North Carolina. I'd encourage you to support the resolution. Thank you."

Senator Rand:

"To just show you what impact racing has made on North Carolina, a good six or eight members of the Senate have come up to me and said, 'Don't you know Junior Johnson's name doesn't have a 't' in it?' We removed the 't'. Everybody knows his name is Junior Johnson, not Johnston. I never knew a racecar driver named Johnston, so we've got that straight and the bill will reflect it."

Senator Basnight:

"I just can't remember the races on the outer banks, around the Cape Hatteras light. I just can't remember those, but I've heard people speak of those. The cars that they would use were the older cars and they would split the rims and put what they call balloon tires on the rims. They were not four-wheel-drives. They were automobiles that you would find on the streets. There was a festival called ... Jamboree at Jockey's Ridge State Park. They would race there, around and across the top of the ridge. The ridge was a lot higher and larger than it is today. They would run hard and fast and they would drink a lot of water during those hot days and maybe a little liquor towards the end. They would have their little pit stops and then crank them up and run them hard again. They were awfully noisy and they were a lot of fun from what the old timers would tell us. At Hatteras, the famous Midgette Brothers, you've heard of those, they were the first people to live in Carolina I presume. They were shipwrecked off the outer banks and started their livelihood on

Hatteras Island. Part of that clan and that group started the races at Hatteras. Now you could only get there by ferry at that time or by boat. They had quite a joy of car racing on the outer banks. It was all sand that they raced on."

The joint resolution passes its second reading (48-0) and third reading with members standing and is ordered sent to the House of Representatives, by special message, for concurrence in the Senate Committee Substitute joint resolution.

WITHDRAWAL FROM COMMITTEE

S.B. 103, A BILL TO BE ENTITLED AN ACT RELATING TO THE 30TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 20.

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 Dannelly, seconded by Senator Soles, the Senate adjourns at 4:28 P.M. to meet tomorrow, Thursday, May 15, at 11:00 A.M.

SIXTY-SECOND DAY

Senate Chamber
Thursday, May 15, 2003

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, sometimes prayers of the Senate community are more importantly directed in behalf of concerns outside the day to day events and legislative calendar.

"We are aware of and pray this morning for Senator Bob Martin who we have learned was in a very serious automobile accident. We pray for Senator Soles's mother who we learned is hospitalized and we give thanks for the good news from Senator Garwood about his health concerns, but ask that you continue to guide him in decisions he must still face.

"When those in our community have needs and concerns, we all do. Amen."

The Chair grants leaves of absence for today to Senator Albertson, Senator Garwood, Senator Rucho and Senator Sloan.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, May 14, has been examined and is found to be correct. Upon

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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 W. Rusher from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 295, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES FOR PARAMEDICS AND THE NORTH CAROLINA COASTAL FEDERATION.

S.B. 326, AN ACT TO CLARIFY THE LAW ON CHANGING THE FORMS OF BUSINESSES FOR UNEMPLOYMENT INSURANCE TAX PURPOSES AND TO INCREASE PENALTIES, SO AS TO DETER THE PRACTICE OF STATE UNEMPLOYMENT TAX AVOIDANCE (SUTA DUMPING).

S.B. 557, AN ACT REQUIRING A TAXICAB DRIVER TO PASS A CONTROLLED SUBSTANCE EXAMINATION BEFORE BEING LICENSED AS A TAXICAB DRIVER IN THIS STATE.

S.B. 658, AN ACT TO RESOLVE CONFLICTING STATUTES; TO AMEND THE APPELLATE PROCEDURE BEFORE THE STATE BANKING COMMISSION; AND TO AUTHORIZE THE COMMISSIONER OF BANKS TO APPOINT A HEARING OFFICER.

S.B. 765, AN ACT TO LIMIT THE AREA OF WESTERN CORE SOUND THAT MAY BE LEASED FOR THE CULTIVATION OF SHELLFISH AND TO DIRECT THE DIVISION OF MARINE FISHERIES TO REPORT TO THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE ON THE IMPLEMENTATION OF THIS ACT.

H.B. 126, AN ACT TO CLARIFY THE LAW GOVERNING EVIDENCE ADMISSIBLE IN CERTAIN JUVENILE HEARINGS.

H.B. 475, AN ACT TO AMEND THE STATUTE PERTAINING TO REGISTRATION OF BIRTH AND DEATH CERTIFICATES.

H.B. 636, AN ACT TO GIVE EFFECT TO ELECTRONIC JUDGMENT DOCKETS BY MODERNIZING LAWS REGARDING JUDGMENTS AND REESTABLISHING THE EFFECTIVE DATE OF CIVIL JUDGMENT LIENS AND THE DATE FROM WHICH INTEREST ACCRUES ON JUDGMENTS.

H.B. 952, AN ACT TO MAKE A CLARIFYING CHANGE TO THE LAWS RELATING TO THE CONFIRMATION OF AN ARBITRATION AWARD UNDER THE FAMILY LAW ARBITRATION ACT.

H.B. 1065, AN ACT TO MODIFY THE AUTHORITY AND PROCEDURE FOR A REDEVELOPMENT COMMISSION TO CONVEY CERTAIN PROPERTY IN A DESIGNATED REDEVELOPMENT AREA.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 123, AN ACT TO ALLOW THE CITIES OF CLINTON AND LUMBERTON AND THE TOWN OF FRANKLIN TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS.

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. 24, AN ACT TO AUTHORIZE VETERANS ADMINISTRATION POLICE OFFICERS TO PROVIDE ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN THE SAME MANNER AS OTHER FEDERAL LAW ENFORCEMENT OFFICERS. (Became law upon approval of the Governor, May 14, 2003–S.L. 2003-36.)

H.B. 1205, AN ACT TO FACILITATE THE IMPLEMENTATION OF THE "CLEAN SMOKESTACKS ACT" BY EXEMPTING SANITARY LANDFILLS USED FOR THE DISPOSAL OF WASTE GENERATED BY INVESTOR-OWNED PUBLIC UTILITY COAL-FIRED GENERATING UNITS THAT ARE SUBJECT TO THE "CLEAN SMOKESTACKS ACT" FROM THE REQUIREMENT THAT FRANCHISES BE OBTAINED FOR THE OPERATION OF THOSE LANDFILLS. (Became law upon approval of the Governor, May 14, 2003–S.L. 2003-37.)

H.B. 58, AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS. (Became law upon approval of the Governor, May 14, 2003–S.L. 2003-38.)

S.B. 102, AN ACT TO PROVIDE THAT WHEN A VACANCY OCCURS IN THE OFFICE OF SHERIFF OF SURRY COUNTY, THE BOARD OF COMMISSIONERS SHALL CONSULT WITH THE COUNTY EXECUTIVE COMMITTEE OF THE PARTY WITH WHICH THE SHERIFF WAS ELECTED AS A NOMINEE, AND IF THE EXECUTIVE COMMITTEE MAKES A NOMINATION WITHIN 30 DAYS, THE BOARD OF COMMISSIONERS MUST APPOINT THAT PERSON. (Became law upon ratification, May 14, 2003–S.L. 2003-39.)

S.B. 356, AN ACT AUTHORIZING THE CITY OF HENDERSON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE. (Became law upon ratification, May 14, 2003–S.L. 2003-40.)

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S.B. 490, AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON TO ALLOW THE CITY MANAGER TO SETTLE CLAIMS AGAINST THE CITY WHEN THE AMOUNT OF THE CLAIMS DO NOT EXCEED THE CITY'S INSURANCE DEDUCTIBLE. (Became law upon ratification, May 14, 2003--S.L. 2003-41.)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 934, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A REGISTRATION FEE FOR THE AUTHORIZATION OF A PRIVATE FACILITY TO SERVE DWI OFFENDERS.

Upon motion of Senator Kerr, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 20.

H.B. 727, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT MEMBERS OF THE SOIL AND WATER CONSERVATION COMMISSION ARE AUTHORIZED TO HOLD OFFICE CONCURRENTLY WITH OTHER ELECTIVE OR APPOINTIVE OFFICES.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **Agriculture/Environment/Natural Resources Committee**.

S.B. 89 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LAKE LURE MARINE COMMISSION.

Upon motion of Senator Kerr, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

Without objection, Senator Basnight announces that all bills on the Calendar for Monday, May 19, will be placed on the Calendar for Tuesday, May 20.

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 Kerr for the **Finance Committee**:

S.B. 277, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM PROPERTY TAX EDUCATIONAL PROPERTY HELD BY A NONPROFIT ENTITY IN TRUST FOR A PUBLIC OR PRIVATE UNIVERSITY LOCATED IN NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65291, which changes the title to read **S.B. 277** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM PROPERTY TAX EDUCATIONAL PROPERTY HELD BY A NONPROFIT ENTITY FOR A PUBLIC OR PRIVATE UNIVERSITY OR COMMUNITY COLLEGE LOCATED IN NORTH CAROLINA, is adopted and engrossed.

Upon motion of Senator Basnight, the Committee Substitute bill is placed on the Calendar for Tuesday, May 20.

H.B. 742 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A PROPOSED ANNEXATION OF THE TOWN OF CAROLINA SHORES, 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 30336, is adopted and engrossed.

Upon motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

H.B. 1159 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MILITARY DRIVERS LICENSE EXPIRATION PROCEDURE WITHIN THE DIVISION OF MOTOR VEHICLES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80320, which changes the title to read **H.B. 1159** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MILITARY DRIVERS LICENSE EXPIRATION PROCEDURE WITHIN THE DIVISION OF MOTOR VEHICLES AND TO ALLOW THE DIVISION OF MOTOR VEHICLES TO ISSUE CONFIDENTIAL LICENSE PLATES AND DRIVERS LICENSES TO AGENTS OF THE DEPARTMENT OF DEFENSE, is adopted and engrossed.

Upon motion of Senator Basnight, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, May 20.

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 510, A BILL TO BE ENTITLED AN ACT TO INCLUDE A VIOLATION OF G.S. 20-123.2 AS A LESSER INCLUDED OFFENSE IN A SPEEDING VIOLATION, with a favorable report.

Upon motion of Senator Basnight, the bill is placed on the Calendar for Tuesday, May 20.

By Senator Bingham for the **Health and Human Resources Committee**:

H.B. 883 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO TEMPORARILY WAIVE CERTAIN REQUIREMENTS OF THE MENTAL HEALTH COMMITMENT STATUTES TO FURTHER MENTAL HEALTH REFORM EFFORTS, 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 45141, is adopted and engrossed.

Upon motion of Senator Basnight, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, May 20.

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By Senator Hartsell for the **Judiciary II Committee**:

H.B. 689, A BILL TO BE ENTITLED AN ACT CONFORMING RULE 103 OF THE NORTH CAROLINA RULES OF EVIDENCE TO THE CORRESPONDING FEDERAL RULE, with a favorable report.

Upon motion of Senator Basnight, the bill is placed on the Calendar for Tuesday, May 20.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 33 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE RECIPROCAL CONCEALED HANDGUN RIGHTS TO CONCEALED HANDGUN PERMIT HOLDERS OF OTHER STATES, for concurrence in the House Committee Substitute bill.

Referred to **Judiciary I Committee**.

S.B. 245, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HUNTING OF COYOTES IN CONTROLLED HUNTING PRESERVES AND TO MAKE IT UNLAWFUL TO IMPORT LIVE COYOTES INTO THIS STATE, for concurrence in House Amendments No. 2 and No. 3.

The bill is placed on the Calendar for Tuesday, May 20.

S.B. 559 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAWS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, May 20.

S.B. 630 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF A PROTECTIVE ORDER UNDER THE LAWS RELATING TO DOMESTIC VIOLENCE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, May 20.

S.B. 825 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO PROTECT CERTAIN REPTILES AND AMPHIBIANS THAT REQUIRE CONSERVATION MEASURES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, May 20.

CALENDAR *(continued)*

H.B. 1003 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO STATE GOVERNMENT INFORMATION TECHNOLOGY SECURITY.

Upon motion of Senator Reeves, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 20.

H.B. 326, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF JONESVILLE, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—46.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 475, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTIES TO THE TOWN OF DALLAS, upon second reading.

Senator Hoyle offers Amendment No. 1 which is adopted (46-0).

The amendment is ruled to be material, which constitutes first reading.

The bill, as amended, is placed on the Calendar for Tuesday, May 20, upon second reading.

H.B. 517 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF HOLLY SPRINGS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—46.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Tuesday, May 20, upon third reading.

H.B. 755 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF CARY AND GARNER TO ACQUIRE PROPERTY FOR THE PRESENT OR FUTURE LOCATION OR RELOCATION OF TELEPHONE, TELEGRAPH, ELECTRIC, OR OTHER LINES TO BE OPERATED BY PUBLIC UTILITIES, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger,

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Purcell, Queen, Rand, Reeves, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—46.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Tuesday, May 20, upon third reading.

H.B. 790, A BILL TO BE ENTITLED AN ACT REPEALING THE CHARTER FOR THE TOWN OF CASHIERS BECAUSE THE TOWN HAS BEEN INACTIVE SINCE INCORPORATION, AND INCORPORATING THE VILLAGE OF CASHIERS, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—46.

Voting in the negative: None.

The bill remains on the Calendar for Tuesday, May 20, upon third reading.

S.B. 317 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR A TWO-YEAR MORATORIUM ON ANNEXATIONS INTO THE COUNTY OF CABARRUS BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THE COUNTY.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

H.B. 134, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF ROANOKE RAPIDS TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

The bill passes its second (46-0) and third readings and is ordered enrolled.

H.B. 480, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR ALL FIVE MEMBERS OF THE BOARD OF COMMISSIONERS OF WILKES COUNTY, RATHER THAN THE CURRENT SYSTEM WHERE FOUR OF THE MEMBERS ARE ELECTED FOR STAGGERED FOUR-YEAR TERMS AND ONE FOR A TWO-YEAR TERM.

The bill passes its second (46-0) and third readings and is ordered enrolled.

H.B. 512, A BILL TO BE ENTITLED AN ACT TO ALLOW NONRESIDENT PROPERTY OWNERS TO SERVE ON THE HISTORIC PRESERVATION COMMISSION IN THE TOWN OF NAGS HEAD.

The bill passes its second (46-0) and third readings and is ordered enrolled.

H.B. 686, A BILL TO BE ENTITLED AN ACT TO EXEMPT DARE COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

The bill passes its second (46-0) and third readings and is ordered enrolled.

H.B. 750 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

AUTHORIZE THE TOWN OF PINEBLUFF TO CONVEY TO ADJACENT PROPERTY OWNERS INTERNAL CENTER COURTS AND ALLEYS AT PRIVATE NEGOTIATED SALE.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled.

H.B. 765 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN CHOWAN COUNTY.

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.

H.B. 742 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A PROPOSED ANNEXATION OF THE TOWN OF CAROLINA SHORES, placed earlier on today's Calendar.

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.

The Chair grants a leave of absence for the remainder of today's session to Senator Ballantine.

H.B. 22 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE THE PORTION OF CONTRACT MAINTENANCE RESURFACING FUNDS ALLOCATED TO WIDENING EXISTING NARROW PAVEMENTS SCHEDULED FOR RESURFACING TO WIDEN ANY EXISTING NARROW PAVEMENTS AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE HIGHWAY TRUST FUND SECONDARY ROAD PAVING FUNDS ALLOCATED TO EACH COUNTY FOR THE ADDITIONAL PURPOSE OF SAFETY IMPROVEMENTS ON PAVED AND UNPAVED ROADS IN THE SAME COUNTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The Committee Substitute bill passes its second reading (37-8).

Senator Foxx objects to third reading of the measure. Pursuant to Rule 50, the President *Pro Tempore*, orders the measure placed on the Calendar for Tuesday, May 20.

H.B. 42 (Senate 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 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.

ENROLLED BILL

The Enrolling Clerk reports the following joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

May 15, 2003

H.J.R. 1161, A JOINT RESOLUTION HONORING NASCAR, ITS PIONEER RACING FAMILIES AND DRIVERS, AND NORTH CAROLINA MOTOR RACING. (Res. 11)

The Chair grants a leave of absence for the remainder of today's session to Senator Malone.

CALENDAR (*continued*)

H.B. 80 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT CERTAIN REPORTS BE MADE TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 103, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS TO CONFORM TO THE INCREASE IN THE NUMBER OF CONGRESSIONAL DISTRICTS IN THIS STATE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The bill passes its second (44-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 234, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION PROCESS FOR COMMUNITY COLLEGE STUDENTS REQUESTING FINANCIAL ASSISTANCE.

The bill passes its second (44-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 907 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE COUNCIL FOR THE DEAF AND THE HARD OF HEARING, TO INCREASE THE MEMBERS ON THE COUNCIL, AND TO CHANGE THE APPOINTING AUTHORITY FOR TWO OF THE MEMBERS APPOINTED TO THE COUNCIL.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, May 21.

H.B. 355, A BILL TO BE ENTITLED AN ACT TO OFFICIALLY DESIGNATE THE INDIANS PREVIOUSLY RECOGNIZED IN THE GENERAL STATUTES AS THE INDIANS OF PERSON COUNTY AS SAPPONY.

The bill passes its second (44-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 461, A BILL TO BE ENTITLED AN ACT TO DELAY THE EFFECTIVE DATE OF THE INTERPRETER AND TRANSLITERATOR LICENSURE ACT.

The bill passes its second (44-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 710 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

ADD A MEMBER REPRESENTING THE OCCANEECHI BAND OF THE SAPONI NATION TO THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 745 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP OF THE NORTH CAROLINA INDIAN CULTURAL CENTER BOARD.

The Senate Committee Substitute bill passes its second reading (44-0).

Senator Kinnaird objects to third reading of the measure. Pursuant to Rule 50, the President *Pro Tempore*, orders the measure placed on the Calendar for Tuesday, May 20.

H.B. 746, A BILL TO BE ENTITLED AN ACT TO AMEND AND MODERNIZE THE LAW NAMING THE INDIAN TRIBES IN THIS STATE BY ADDING CLARIFYING INFORMATION ABOUT REFERENCES TO THE LUMBEE TRIBE AND BY ADDING SECTIONS RECOGNIZING THE MEHERRIN TRIBE AND THE OCCANEECHI BAND OF THE SAPONI NATION.

The bill passes its second (44-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 950 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO OBTAIN THE APPROVAL OF THE COURT BEFORE PLACING A JUVENILE COMMITTED TO THE DEPARTMENT IN A PROGRAM NOT LOCATED IN A YOUTH DEVELOPMENT CENTER OR DETENTION FACILITY.

The Committee Substitute bill passes its third reading (43-0) and is ordered enrolled and sent to the Governor.

S.B. 814 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING COMPETITIVE AND DEREGULATED OFFERINGS OF TELECOMMUNICATIONS SERVICES, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (43-0) and the measure is ordered enrolled and sent to the Governor.

Upon motion of Senator Dannelly, seconded by Senator Carrington, the Senate adjourns at 12:21 P.M. to meet tomorrow, Monday, May 19, at 7:00 P.M.

SIXTY-THIRD DAY

Senate Chamber
Monday, May 19, 2003

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 all get to our destinations by drawing a straight line between two points on life's roadmap, then following that line.

"Admittedly, for some the journey is easy. Right opportunities, right choices, and diligence pay handsome dividends. May those of us so blessed be ever grateful.

"But for others of us, getting to a desired destination has been more circuitous, sometimes frustrating, full of detours.

"Fortunately with your light guiding our journey there are no dead ends. There is no greater joy, no greater sense of accomplishment than to find our true path.

"Regardless of the route we have taken, grant us respect for each other as we travel the road together. Amen."

The Chair grants leaves of absence for tonight to Senator Bingham, Senator Holloman, Senator Kinnaird, Senator Moore, Senator Reeves, Senator Shaw, Senator Smith and Senator Tillman.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, May 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 Pro Tempore of the Senate extends courtesies of the floor to Dr. Stephen E. Johnson from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 814, AN ACT TO CLARIFY THE LAW REGARDING COMPETITIVE AND DEREGULATED OFFERINGS OF TELECOMMUNICATIONS SERVICES.

H.B. 80, AN ACT TO REQUIRE THAT CERTAIN REPORTS BE MADE TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

H.B. 103, AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS TO CONFORM TO THE INCREASE IN THE NUMBER OF

CONGRESSIONAL DISTRICTS IN THIS STATE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

H.B. 234, AN ACT TO CLARIFY THE APPLICATION PROCESS FOR COMMUNITY COLLEGE STUDENTS REQUESTING FINANCIAL ASSISTANCE.

H.B. 355, AN ACT TO OFFICIALLY DESIGNATE THE INDIANS PREVIOUSLY RECOGNIZED IN THE GENERAL STATUTES AS THE INDIANS OF PERSON COUNTY AS SAPPONY.

H.B. 461, AN ACT TO DELAY THE EFFECTIVE DATE OF THE INTERPRETER AND TRANSLITERATOR LICENSURE ACT.

H.B. 710, AN ACT TO ADD A MEMBER REPRESENTING THE OCCANEECHI BAND OF THE SAPONI NATION TO THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER.

H.B. 746, AN ACT TO AMEND AND MODERNIZE THE LAW NAMING THE INDIAN TRIBES IN THIS STATE BY ADDING CLARIFYING INFORMATION ABOUT REFERENCES TO THE LUMBEE TRIBE AND BY ADDING SECTIONS RECOGNIZING THE MEHERRIN TRIBE AND THE OCCANEECHI BAND OF THE SAPONI NATION.

H.B. 950, AN ACT TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO OBTAIN THE APPROVAL OF THE COURT BEFORE PLACING A JUVENILE COMMITTED TO THE DEPARTMENT IN A PROGRAM NOT LOCATED IN A YOUTH DEVELOPMENT CENTER OR DETENTION FACILITY.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 134, AN ACT AUTHORIZING THE CITY OF ROANOKE RAPIDS TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

H.B. 326, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF JONESVILLE.

H.B. 480, AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR ALL FIVE MEMBERS OF THE BOARD OF COMMISSIONERS OF WILKES COUNTY, RATHER THAN THE CURRENT SYSTEM WHERE FOUR OF THE MEMBERS ARE ELECTED FOR STAGGERED FOUR-YEAR TERMS AND ONE FOR A TWO-YEAR TERM.

H.B. 512, AN ACT TO ALLOW NONRESIDENT PROPERTY OWNERS TO SERVE ON THE HISTORIC PRESERVATION COMMISSION IN THE TOWN OF NAGS HEAD.

May 19, 2003

H.B. 686, AN ACT TO EXEMPT DARE COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS.

H.B. 750, AN ACT TO AUTHORIZE THE TOWN OF PINEBLUFF TO CONVEY TO ADJACENT PROPERTY OWNERS INTERNAL CENTER COURTS AND ALLEYS AT PRIVATE NEGOTIATED SALE.

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. 123, AN ACT TO ALLOW THE CITIES OF CLINTON AND LUMBERTON AND THE TOWN OF FRANKLIN TO DECLARE RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO DEMOLISH THOSE BUILDINGS USING THE SAME PROCESS AUTHORIZED FOR THE DEMOLITION OF UNSAFE NONRESIDENTIAL BUILDINGS. (Became law upon ratification, May 15, 2003--S.L. 2003-42.)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 704 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE TRAUMATIC BRAIN INJURY ADVISORY COUNCIL, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, May 20.

PRIVILEGES OF THE FLOOR

Upon motion of Senator Sloan, the President *Pro Tempore*, extends privileges of the floor to Mr. Chuck Houchins from Stony Point, North Carolina. He is escorted to the Well of the Senate by the Senate Sergeant-At-Arms Cecil Goins. Mr. Houchins presents a famous speech of Patrick Henry.

Upon motion of Senator Dannelly, seconded by Senator Hagan, the Senate adjourns at 7:36 P.M. to meet tomorrow, Tuesday, May 20, at 3:00 P.M.

SIXTY-FOURTH DAY

Senate Chamber
Tuesday, May 20, 2003

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, a parable says a Pharisee and a tax collector went to the temple to pray. The Pharisee stood in public view and prayed loudly and self righteously, 'God, I'm glad I am not like other people, especially this tax collector over there.'

"But the tax collector stood far off, would not even look toward heaven and prayed, 'God, be merciful to me, a sinner.' Jesus said that the tax collector went home justified.

"Forgive us when we are more concerned that we be seen than that you might be seen in us. Amen."

The Chair grants a leave of absence for today to Senator Tillman.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, May 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.

PRIVILEGES OF THE FLOOR

Upon motion of Senator Garrou, the President extends privileges of the floor to Ms. Emily Amber Newton, from Lake Jackson, Texas. Ms. Newton is a student at Fletcher Opera Institute of the North Carolina School of the Arts in Winston-Salem. She is here as a guest of Senator Garrou and she sings the National Anthem.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 449, AN ACT TO CLARIFY ADMISSIBLE EVIDENCE THAT THE PERSON WITHDRAWING BLOOD IN AN IMPAIRED DRIVING CASE IS A LICENSED PHYSICIAN, NURSE, OR AN OTHERWISE QUALIFIED PERSON.

S.B. 979, AN ACT TO AMEND THE PROCESS BY WHICH A MEMBER OF THE GENERAL ASSEMBLY IS APPOINTED TO THE ATLANTIC STATES MARINE FISHERIES COMMISSION AND TO MAKE TECHNICAL, CLARIFYING, AND CONFORMING CHANGES.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 389, AN ACT REENACTING THE SUBSTANTIVE PROVISIONS OF S.L. 2000-65 RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL AND CONVEY REAL ESTATE.

S.B. 417, AN ACT TO EXTEND THE DEADLINE FOR WAYNE COUNTY TO DESIGNATE STAGGERED TERMS FOR ITS BOARD OF COMMISSIONERS.

May 20, 2003

S.B. 477, AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY COUNCIL TO AUTHORIZE THE CITY'S HOUSING APPEALS BOARD TO HEAR PUBLIC HEALTH NUISANCES CASES.

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. 134, AN ACT AUTHORIZING THE CITY OF ROANOKE RAPIDS TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE. (Became law upon ratification, May 19, 2003–S.L. 2003-43.)

H.B. 326, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF JONESVILLE. (Became law upon ratification, May 19, 2003–S.L. 2003-44.)

H.B. 480, AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR ALL FIVE MEMBERS OF THE BOARD OF COMMISSIONERS OF WILKES COUNTY, RATHER THAN THE CURRENT SYSTEM WHERE FOUR OF THE MEMBERS ARE ELECTED FOR STAGGERED FOUR-YEAR TERMS AND ONE FOR A TWO-YEAR TERM. (Became law upon ratification, May 19, 2003–S.L. 2003-45.)

H.B. 512, AN ACT TO ALLOW NONRESIDENT PROPERTY OWNERS TO SERVE ON THE HISTORIC PRESERVATION COMMISSION IN THE TOWN OF NAGS HEAD. (Became law upon ratification, May 19, 2003–S.L. 2003-46.)

H.B. 686, AN ACT TO EXEMPT DARE COUNTY FROM CERTAIN REQUIREMENTS FOR PUBLIC CONTRACTS. (Became law upon ratification, May 19, 2003–S.L. 2003-47.)

H.B. 750, AN ACT TO AUTHORIZE THE TOWN OF PINEBLUFF TO CONVEY TO ADJACENT PROPERTY OWNERS INTERNAL CENTER COURTS AND ALLEYS AT PRIVATE NEGOTIATED SALE. (Became law upon ratification, May 19, 2003–S.L. 2003-48.)

REPORTS OF COMMITTEES

Bills and a resolution 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. 1024, A BILL TO BE ENTITLED AN ACT ADOPTING THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT FOR 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 30337, is adopted and engrossed.

H.B. 562 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO USE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS DURING A THREE-YEAR PILOT PROGRAM IN DESIGNATED CORRIDORS; TO AUTHORIZE THE CITY OF CHARLOTTE TO ESTABLISH CIVIL PENALTIES FOR SPEED LIMIT AND SCHOOL ZONE SPEED LIMIT VIOLATIONS; AND TO AUTHORIZE THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE SECRETARY OF CRIME CONTROL AND PUBLIC SAFETY TO APPROVE STANDARDS FOR THE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS, 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 60351, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

S.J.R. 1021, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE REAPPOINTMENT OF JO ANNE SANFORD TO THE UTILITIES COMMISSION, with a favorable report.

H.B. 744, A BILL TO BE ENTITLED AN ACT TO REQUIRE INSURERS TO INFORM COVERED PERSONS ABOUT ASSISTANCE AVAILABLE FROM THE MANAGED CARE PATIENT ASSISTANCE PROGRAM, with a favorable report.

H.B. 913, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA UTILITIES COMMISSION TO DETERMINE A TIME IN WHICH FINAL RULES CONCERNING THE DESIGNATION OF A UNIVERSAL SERVICE PROVIDER FOR TELEPHONE SERVICE SHALL BE ADOPTED, with a favorable report.

REPORT TO GENERAL ASSEMBLY

A Board, Commission, or Agency directed to report to the General Assembly submits a report which is ordered placed on file in the Legislative Library, as follows:

The North Carolina Department of State Treasurer submits *The Annual Report of the North Carolina Capital Facilities Finance Agency for the Fiscal Year Ended June 30, 2002*.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 517 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF HOLLY SPRINGS, upon third reading.

May 20, 2003

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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Webster and Weinstein—48.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 755 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF CARY AND GARNER TO ACQUIRE PROPERTY FOR THE PRESENT OR FUTURE LOCATION OR RELOCATION OF TELEPHONE, TELEGRAPH, ELECTRIC, OR OTHER LINES TO BE OPERATED BY PUBLIC UTILITIES, 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Webster and Weinstein—48.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 790, A BILL TO BE ENTITLED AN ACT REPEALING THE CHARTER FOR THE TOWN OF CASHIERS BECAUSE THE TOWN HAS BEEN INACTIVE SINCE INCORPORATION, AND INCORPORATING THE VILLAGE OF CASHIERS, 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Webster and Weinstein—48.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 475, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTIES TO THE TOWN OF DALLAS, as amended on May 15 by a material amendment, upon second reading.

Senator Hoyle offers Amendment No. 2 as a perfecting amendment to Amendment No. 1 which is adopted (49-0).

The bill, as amended, passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine,

Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Webster and Weinstein—49.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for tomorrow, Wednesday, May 21, upon third reading.

WITHDRAWAL FROM COMMITTEE

S.B. 76, A BILL TO BE ENTITLED AN ACT RELATING TO THE 25TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 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**.

Upon the appearance of Senator Tillman in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

CALENDAR *(continued)*

S.B. 277 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM PROPERTY TAX EDUCATIONAL PROPERTY HELD BY A NONPROFIT ENTITY FOR A PUBLIC OR PRIVATE UNIVERSITY OR COMMUNITY COLLEGE LOCATED IN NORTH CAROLINA.

Senator Allran offers Amendment No. 1 which is adopted (50-0).

The Committee Substitute bill, as amended, passes its second (46-4) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 934, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A REGISTRATION FEE FOR THE AUTHORIZATION OF A PRIVATE FACILITY TO SERVE DWI OFFENDERS.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

H.B. 883 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO TEMPORARILY WAIVE CERTAIN REQUIREMENTS OF THE MENTAL HEALTH COMMITMENT STATUTES TO FURTHER MENTAL HEALTH REFORM EFFORTS.

Upon motion of Senator Metcalf, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 27.

H.B. 510, A BILL TO BE ENTITLED AN ACT TO INCLUDE A VIOLATION OF G.S. 20-123.2 AS A LESSER INCLUDED OFFENSE IN A SPEEDING VIOLATION.

May 20, 2003

The bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 689, A BILL TO BE ENTITLED AN ACT CONFORMING RULE 103 OF THE NORTH CAROLINA RULES OF EVIDENCE TO THE CORRESPONDING FEDERAL RULE.

The bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 987 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE FISHERIES DIRECTOR TO ISSUE PROCLAMATIONS THAT BECOME EFFECTIVE IMMEDIATELY UPON ISSUANCE AND TO MAKE OTHER TECHNICAL, CLARIFYING, AND CONFORMING CHANGES.

The Senate Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1003 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO STATE GOVERNMENT INFORMATION TECHNOLOGY SECURITY.

Senator Reeves offers Amendment No. 1 which is adopted (49-1).

The Committee Substitute bill, as amended, passes its second (50-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Amendment No. 1.

H.B. 1025, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF HAW RIVER STATE PARK TO THE STATE PARKS SYSTEM.

The bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1078 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF MAYO RIVER STATE PARK TO THE STATE PARKS SYSTEM.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1134, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE BY WHICH COASTAL HABITAT PROTECTION PLANS MUST BE ADOPTED.

The bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1159 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MILITARY DRIVERS LICENSE EXPIRATION PROCEDURE WITHIN THE DIVISION OF MOTOR VEHICLES AND TO ALLOW THE DIVISION OF MOTOR VEHICLES TO ISSUE CONFIDENTIAL LICENSE PLATES AND DRIVERS LICENSES TO AGENTS OF THE DEPARTMENT OF DEFENSE.

The Senate Committee Substitute bill passes its second (50-0) and third readings

and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

The Chair grants leaves of absence for the remainder of today's session to Senator Stevens.

H.B. 22 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE THE PORTION OF CONTRACT MAINTENANCE RESURFACING FUNDS ALLOCATED TO WIDENING EXISTING NARROW PAVEMENTS SCHEDULED FOR RESURFACING TO WIDEN ANY EXISTING NARROW PAVEMENTS AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE HIGHWAY TRUST FUND SECONDARY ROAD PAVING FUNDS ALLOCATED TO EACH COUNTY FOR THE ADDITIONAL PURPOSE OF SAFETY IMPROVEMENTS ON PAVED AND UNPAVED ROADS IN THE SAME COUNTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Senator Shubert offers Amendment No. 1 which fails of adoption (23-26).

The Committee Substitute bill passes its third reading (42-7) and is ordered enrolled and sent to the Governor.

H.B. 745 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP OF THE NORTH CAROLINA INDIAN CULTURAL CENTER BOARD.

The Senate Committee Substitute bill passes its third reading (49-0) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 245, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HUNTING OF COYOTES IN CONTROLLED HUNTING PRESERVES AND TO MAKE IT UNLAWFUL TO IMPORT LIVE COYOTES INTO THIS STATE, for concurrence in House Amendments No. 2 and No. 3.

Upon motion of Senator Weinstein, the Senate concurs in House Amendments No. 2 and No. 3 (49-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 384 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN AND WILMINGTON URBAN LOOPS AND OTHER INTRASTATE IMPROVEMENT PROJECTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Gulley, the Senate fails to concur in the House Committee Substitute bill (3-46).

Senator Gulley offers a motion that the Senate appoint conferees, which motion prevails.

S.B. 559 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAWS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hoyle, the Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled and sent to the Governor.

May 20, 2003

S.B. 630 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF A PROTECTIVE ORDER UNDER THE LAWS RELATING TO DOMESTIC VIOLENCE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 704 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE TRAUMATIC BRAIN INJURY ADVISORY COUNCIL.

Upon motion of Senator Kerr, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, May 21.

S.B. 825 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO PROTECT CERTAIN REPTILES AND AMPHIBIANS THAT REQUIRE CONSERVATION MEASURES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Albertson, the Senate concurs in the House Committee Substitute bill (49-0) 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 Soles for the **Commerce Committee**:

H.B. 358 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE DAMAGE AMOUNTS ON DEFINED MOTOR VEHICLE ACCIDENTS, 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 70323, is adopted and engrossed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 290 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE CITY OF GREENSBORO MAY ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, May 21.

S.B. 478 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF DURHAM AND MONROE TO GIVE ANNUAL

NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, May 21.

S.B. 539 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAW GOVERNING THE LIMITED PRACTICE OF OUT-OF-STATE ATTORNEYS-AT-LAW AND THE OPERATION OF THE COUNCIL AND DISCIPLINARY HEARING COMMISSION OF THE NORTH CAROLINA STATE BAR, for concurrence in House Amendment No. 1.

The Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, May 21.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Najla Arab, Chapel Hill; Regina M. Bell, Bessemer City; Grayson Leonard Cave, Cary; Katherine Meredith Hall Cole, Apex; Dan Cox, Raleigh; Luke Custer, Fuquay-Varina; Brandon Steven Freeman, Marshall; Christopher A. R. Genest, Apex; Anne Hoyle, Chapel Hill; Kathryn E. Jetton, Apex; Tyler William Ledbetter, Forest City; Jillian Mangum, Shelby; Andrew McIndoe, Oak Ridge; Andrew David McKinney, Mars Hill; Disheeka Disha Powell, Tarboro; Thomas Tolbert, Matthews; Bethany G. Tuggle, Durham; Mary Grace Washburn, Bostic; and Michael Octavius Whittenberg, Huntersville.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 384 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN AND WILMINGTON URBAN LOOPS AND OTHER INTRASTATE IMPROVEMENT PROJECTS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 384 earlier today and the motion by Senator Gulley to appoint conferees having prevailed, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Gulley, Chair; Senator Clodfelter; Senator Garrou; Senator Rand; Senator Rucho; and Senator Shaw as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

Upon motion of Senator Basnight, seconded by Senator Dalton, the Senate adjourns at 4:34 P.M. to meet tomorrow, Wednesday, May 21, at 2:00 P.M.

SIXTY-FIFTH DAY

Senate Chamber
Wednesday, May 21, 2003

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, our worth is revealed sometimes in our attitude toward the small tasks for which we have been given responsibility.

"So let the test of our spiritual life and character this week be measured not by what we do in those great and grand exceptional moments, but by what we do in those ordinary moments. Amen."

The Chair grants a leave of absence for today to Senator Hoyle.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, May 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. Carl J. Scharf from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Bobbie Perkins from Greenville, 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. 245, AN ACT TO AUTHORIZE THE HUNTING OF COYOTES IN CONTROLLED HUNTING PRESERVES AND TO MAKE IT UNLAWFUL TO IMPORT LIVE COYOTES INTO THIS STATE.

S.B. 323, AN ACT TO PROTECT THE IDENTITY OF A COMPLAINING PARTY AGAINST A LICENSEE OR AN UNLICENSED GENERAL CONTRACTOR BY THE LICENSING BOARD FOR GENERAL CONTRACTORS AND TO CLARIFY WHEN THE BOARD MAY SEEK INJUNCTIVE RELIEF.

S.B. 468, AN ACT TO CLARIFY THE LAW GOVERNING THE MODIFICATION AND TERMINATION OF IRREVOCABLE TRUSTS.

S.B. 517, AN ACT TO REDUCE THE MINIMUM MEMBERSHIP OF THE GLOBAL TRANSPARK DEVELOPMENT COMMISSION, ALSO CALLED THE EASTERN REGION COMMISSION.

S.B. 555, AN ACT TO CLARIFY THAT IT IS A FELONY FOR A SCHOOL SAFETY OFFICER TO HAVE SEXUAL CONTACT OR TAKE INDECENT LIBERTIES WITH A STUDENT.

S.B. 559, AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAWS.

S.B. 619, AN ACT TO PROVIDE THAT A BLOOD ANALYSIS REPORT SENT DIRECTLY TO THE CLERK OF SUPERIOR COURT MAY BE USED AS THE BASIS FOR THE CIVIL REVOCATION OF A DRIVERS LICENSE.

S.B. 630, AN ACT TO CLARIFY THE DEFINITION OF A PROTECTIVE ORDER UNDER THE LAWS RELATING TO DOMESTIC VIOLENCE.

S.B. 825, AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO PROTECT CERTAIN REPTILES AND AMPHIBIANS THAT REQUIRE CONSERVATION MEASURES.

S.B. 851, AN ACT TO PROVIDE THAT A PERSON MAY BE REAPPOINTED TO THE BOARD OF DIRECTORS OF THE ARBORETUM AFTER ONE YEAR'S ABSENCE FROM THE BOARD.

S.B. 940, AN ACT TO PROVIDE JOB PROTECTION FOR VOLUNTEER FIREFIGHTERS, RESCUE SQUAD WORKERS, AND EMERGENCY MEDICAL SERVICES PERSONNEL CALLED INTO THE SERVICE OF THE STATE IN RESPONSE TO A PROCLAMATION OF A STATE OF DISASTER BY THE GOVERNOR OR THE GENERAL ASSEMBLY, OR IN RESPONSE TO AN EMERGENCY SITUATION RESULTING IN THE ACTIVATION OF THE STATE EMERGENCY RESPONSE TEAM.

H.B. 22, AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE THE PORTION OF CONTRACT MAINTENANCE RESURFACING FUNDS ALLOCATED TO WIDENING EXISTING NARROW PAVEMENTS SCHEDULED FOR RESURFACING TO WIDEN ANY EXISTING NARROW PAVEMENTS AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE HIGHWAY TRUST FUND SECONDARY ROAD PAVING FUNDS ALLOCATED TO EACH COUNTY FOR THE ADDITIONAL PURPOSE OF SAFETY IMPROVEMENTS ON PAVED AND UNPAVED ROADS IN THE SAME COUNTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

H.B. 510, AN ACT TO INCLUDE A VIOLATION OF G.S. 20-123.2 AS A LESSER INCLUDED OFFENSE IN A SPEEDING VIOLATION.

H.B. 689, AN ACT CONFORMING RULE 103 OF THE NORTH CAROLINA RULES OF EVIDENCE TO THE CORRESPONDING FEDERAL RULE.

H.B. 1025, AN ACT TO AUTHORIZE THE ADDITION OF HAW RIVER STATE PARK TO THE STATE PARKS SYSTEM.

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H.B. 1078, AN ACT TO AUTHORIZE THE ADDITION OF MAYO RIVER STATE PARK TO THE STATE PARKS SYSTEM.

H.B. 1134, AN ACT TO EXTEND THE DEADLINE BY WHICH COASTAL HABITAT PROTECTION PLANS MUST BE ADOPTED.

H.B. 1177, AN ACT TO PROVIDE THAT PHYSICIANS IN GOOD STANDING TO PRACTICE MEDICINE IN ANOTHER STATE MAY PRACTICE MEDICINE OR SURGERY AT A CAMP FOR THERAPEUTIC RECREATION FOR INDIVIDUALS WITH CHRONIC ILLNESSES UNDER CERTAIN RESTRICTED CONDITIONS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 517, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF HOLLY SPRINGS.

H.B. 755, AN ACT AUTHORIZING THE TOWNS OF CARY AND GARNER TO ACQUIRE PROPERTY FOR THE PRESENT OR FUTURE LOCATION OR RELOCATION OF TELEPHONE, TELEGRAPH, ELECTRIC, OR OTHER LINES TO BE OPERATED BY PUBLIC UTILITIES.

H.B. 790, AN ACT REPEALING THE CHARTER FOR THE TOWN OF CASHIERS BECAUSE THE TOWN HAS BEEN INACTIVE SINCE INCORPORATION, AND INCORPORATING THE VILLAGE OF CASHIERS.

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. 389, AN ACT REENACTING THE SUBSTANTIVE PROVISIONS OF S.L. 2000-65 RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL AND CONVEY REAL ESTATE. (Became law upon ratification, May 20, 2003-S.L. 2003-49.)

S.B. 417, AN ACT TO EXTEND THE DEADLINE FOR WAYNE COUNTY TO DESIGNATE STAGGERED TERMS FOR ITS BOARD OF COMMISSIONERS. (Became law upon ratification, May 20, 2003-S.L. 2003-50.)

S.B. 477, AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY COUNCIL TO AUTHORIZE THE CITY'S HOUSING APPEALS BOARD TO HEAR PUBLIC HEALTH NUISANCES CASES. (Became law upon ratification, May 20, 2003-S.L. 2003-51.)

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**:

H.B. 283 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE REAL PROPERTY WARRANTY COMPANIES TO CARRY CONTRACTUAL LIABILITY POLICIES; REQUIRE MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES TO USE A SPECIFIC FORMAT ON ALL WRITTEN MATERIALS SUBMITTED; MANDATE ALL REQUIRED SUBMISSIONS TO THE DEPARTMENT OF INSURANCE TO BE IN A SPECIFIC FORMAT IF IN WRITING; REQUIRE WARRANTY COMPANIES TO COMPLY WITH ARTICLE 1 OF CHAPTER 58 OF THE GENERAL STATUTES; DEFINE MECHANICAL BREAKDOWN SERVICE AGREEMENTS AND REQUIRE ALL MECHANICAL BREAKDOWN SERVICE AGREEMENT COMPANIES TO COMPLY WITH ARTICLE 1 OF CHAPTER 58 OF THE GENERAL STATUTES AND WITH THE RULES REGARDING MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES; AND PROVIDE THAT A BAD CHECK CONSTITUTES NONPAYMENT OF PREMIUM OF A MOTOR VEHICLE LIABILITY INSURANCE POLICY, 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 50286, which changes the title to read **H.B. 283** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE REAL PROPERTY WARRANTY COMPANIES TO CARRY CONTRACTUAL LIABILITY POLICIES; ESTABLISH GREATER UNIFORMITY AND FLEXIBILITY FOR REQUIREMENTS IMPOSED UPON SERVICE AGREEMENT COMPANIES AND PERSONS THAT ISSUE WARRANTIES UNDER ARTICLE 1 OF CHAPTER 58; EXPAND THE DEFINITION OF HOME APPLIANCE WITHIN THE HOME APPLIANCE SERVICE AGREEMENT COMPANIES STATUTE; ENHANCE ENFORCEMENT OF ARTICLE 1 OF CHAPTER 58; REQUIRE MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES TO USE A SPECIFIC FORMAT ON ALL WRITTEN MATERIALS SUBMITTED; MANDATE ALL REQUIRED INSURER SUBMISSIONS TO THE DEPARTMENT OF INSURANCE TO BE IN A SPECIFIC FORMAT IF IN WRITING; DEFINE MECHANICAL BREAKDOWN SERVICE AGREEMENTS AND REQUIRE ALL MECHANICAL BREAKDOWN SERVICE AGREEMENT COMPANIES TO COMPLY WITH ARTICLE 1 OF CHAPTER 58 OF THE GENERAL STATUTES AND WITH THE RULES REGARDING MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES; PROVIDE THAT A BAD CHECK CONSTITUTES GROUNDS FOR TERMINATION OF A MOTOR VEHICLE LIABILITY INSURANCE POLICY; AND AUTHORIZE THE ISSUANCE OF LIMITED LICENSES FOR THE SALE OF INSURANCE COVERAGE ON PERSONAL PROPERTY STORED IN SELF-SERVICE STORAGE UNITS, is adopted and engrossed.

By Senator Garwood for the **Education/Higher Education Committee**:

H.B. 421 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

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MAKE VETERANS DAY A HOLIDAY FOR SCHOOL PERSONNEL, with a favorable report.

H.B. 1016 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD PARTICULAR UNIVERSITY FACILITIES AS NONSMOKING AREAS, with a favorable report.

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 1175, A BILL TO BE ENTITLED AN ACT ALLOWING FAIR HOUSING ORGANIZATIONS TO FILE COMPLAINTS WITH THE STATE HUMAN RELATIONS 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 60352, is adopted and engrossed.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

H.B. 1024 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT FOR NORTH CAROLINA.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 27.

REPORTS OF COMMITTEES

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 1158, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW SPECIFYING THE TYPE OF PISTOLS THAT MAY BE USED FOR HUNTING, with a favorable report.

H.B. 978 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA VETERINARY BOARD TO ENTER INTO AGREEMENTS WITH ORGANIZATIONS THAT HAVE DEVELOPED PROGRAMS FOR IMPAIRED VETERINARY PERSONNEL, 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 70324, which changes the title to read **H.B. 978** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA VETERINARY MEDICAL BOARD TO ENTER INTO AGREEMENTS WITH ORGANIZATIONS

THAT HAVE DEVELOPED PROGRAMS FOR IMPAIRED VETERINARY PERSONNEL, is adopted and engrossed.

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

H.B. 55 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FIRE DEPARTMENTS TO HONOR RETIRING OR DECEASED FIREFIGHTERS BY AWARDED THEIR FIRE HELMETS TO THEM OR TO A SURVIVING RELATIVE, with a favorable report.

Upon motion of Senator Kinnaird, the Committee Substitute bill is placed on the Calendar for Tuesday, May 27.

H.B. 68 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF SPRING LAKE AND THE CITY OF NEWTON TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS, with a favorable report.

H.B. 124 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING A PROTEST PETITION REQUIREMENT FOR DURHAM COUNTY, with a favorable report.

H.B. 520 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF OAK ISLAND, with a favorable report.

H.B. 651, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY MANAGER TO MAKE DECISIONS REGARDING ROUTINE TRAFFIC CONTROL MEASURES, with a favorable report.

H.B. 63, A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT SO THAT VACANCIES IN THE OFFICE OF SHERIFF OF RICHMOND COUNTY WILL BE FILLED IN ACCORDANCE WITH G.S. 162-5, 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 45140, which changes the title to read **H.B. 63** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT AND TO PROVIDE THAT VACANCIES IN THE OFFICE OF SHERIFF OF RICHMOND COUNTY WILL BE FILLED IN ACCORDANCE WITH G.S. 162-5.1, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 475, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTIES TO THE TOWN OF DALLAS, as amended on second reading, upon third reading.

The bill, as amended, passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton,

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Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

Upon the appearance of Senator Hoyle in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

S.B. 290 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE CITY OF GREENSBORO MAY ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dorsett, the Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled.

S.B. 478 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF DURHAM AND MONROE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Gulley, the Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled.

S.J.R. 1021, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE REAPPOINTMENT OF JO ANNE SANFORD TO THE UTILITIES COMMISSION.

The joint resolution passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

H.B. 358 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE DAMAGE AMOUNTS ON DEFINED MOTOR VEHICLE ACCIDENTS.

The Senate Committee Substitute bill passes its second reading (50-0).

Senator Rucho objects to third reading of the measure. Pursuant to Rule 50, the President, orders the measure placed on the Calendar for tomorrow, Thursday, May 22.

H.B. 462, A BILL TO BE ENTITLED AN ACT TO INCLUDE DULY LICENSED MARRIAGE AND FAMILY THERAPISTS UNDER THE INSURANCE 'FREEDOM OF CHOICE' LAW AND UNDER THE PROFESSIONAL CORPORATIONS ACT.

The bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 562 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO USE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS DURING A THREE-YEAR PILOT PROGRAM IN DESIGNATED CORRIDORS; TO AUTHORIZE THE CITY OF CHARLOTTE TO ESTABLISH CIVIL PENALTIES FOR SPEED LIMIT AND SCHOOL ZONE SPEED LIMIT VIOLATIONS; AND TO AUTHORIZE THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE SECRETARY OF CRIME CONTROL AND PUBLIC SAFETY TO APPROVE STANDARDS FOR THE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS.

Upon motion of Senator Dannelly, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 27.

H.B. 744, A BILL TO BE ENTITLED AN ACT TO REQUIRE INSURERS TO INFORM COVERED PERSONS ABOUT ASSISTANCE AVAILABLE FROM THE MANAGED CARE PATIENT ASSISTANCE PROGRAM.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 907 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE COUNCIL FOR THE DEAF AND THE HARD OF HEARING, TO INCREASE THE MEMBERS ON THE COUNCIL, AND TO CHANGE THE APPOINTING AUTHORITY FOR TWO OF THE MEMBERS APPOINTED TO THE COUNCIL.

Senator Rand offers Amendment No. 1 which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

H.B. 679 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF RALEIGH 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, AND TO ALLOW WAKE COUNTY TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT, 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 70326, which changes the title to read **H.B. 679** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF RALEIGH AND

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SALISBURY 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, AND TO ALLOW WAKE COUNTY AND THE TOWN OF RUTHERFORDTON TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT, is adopted and engrossed.

CALENDAR (*continued*)

H.B. 913, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA UTILITIES COMMISSION TO DETERMINE A TIME IN WHICH FINAL RULES CONCERNING THE DESIGNATION OF A UNIVERSAL SERVICE PROVIDER FOR TELEPHONE SERVICE SHALL BE ADOPTED.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 539 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAW GOVERNING THE LIMITED PRACTICE OF OUT-OF-STATE ATTORNEYS-AT-LAW AND THE OPERATION OF THE COUNCIL AND DISCIPLINARY HEARING COMMISSION OF THE NORTH CAROLINA STATE BAR, for concurrence in House Amendment No. 1.

Upon motion of Senator Rand, the Senate concurs in House Amendment No. 1 (50-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 704 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE TRAUMATIC BRAIN INJURY ADVISORY COUNCIL, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Kerr, the Senate concurs in the House Committee Substitute bill (50-0) and the measure is ordered enrolled and sent to the Governor.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 931 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ELIMINATING THE PORTFOLIO REQUIREMENT FOR TEACHER CERTIFICATION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, May 27.

H.J.R. 693 (Committee Substitute), A JOINT RESOLUTION COMMENDING THE ATLANTIC COAST CONFERENCE ON ITS FIFTIETH ANNIVERSARY AND HONORING THE MEMORY OF FORMER COMMISSIONERS JAMES H. WEAVER AND ROBERT C. JAMES.

Referred to **Rules and Operations of the Senate Committee.**

Upon motion of Senator Basnight, seconded by Senator Dalton, the Senate adjourns at 2:53 P.M. to meet tomorrow, Thursday, May 22, at 11:00 A.M.

SIXTY-SIXTH DAY

Senate Chamber
Thursday, May 22, 2003

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 conclude a week's work in the Senate grateful for the matters of state which have been accomplished.

"During the Memorial Day weekend which approaches, we will have the opportunity to remember and celebrate those men and women who gave their lives in service to our nation.

"The wounds of those who suffered the loss of a family member or a friend in the War with Iraq are especially fresh and painful.

"Call us to serve those who mourn in their time of need, that we may honor the sacrifice they made and share with them the cost and the harvest of freedom. Amen."

The Chair grants leaves of absence for today to Senator Berger, Senator Carrington, Senator Shubert, Senator Sloan and Senator Thomas.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, May 21, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

WITHDRAWAL FROM COMMITTEE

S.B. 301, A BILL TO BE ENTITLED AN ACT RELATING TO FEES, BONDS, AND OTHER FINANCE MATTERS, referred to the **Rules and Operations of the Senate Committee** on March 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

H.B. 328 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REVISING REAL ESTATE LICENSING EXAMINATION PROCEDURES, CLARIFYING CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE LICENSEES, AND ENABLING THE REAL ESTATE COMMISSION TO PERMIT LIMITED COMMERCIAL PRACTICE BY NONRESIDENT REAL ESTATE BROKERS, referred to the **Commerce Committee** on April 23.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Commerce Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

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The Chair orders the bill withdrawn from the **Commerce Committee** and refers the measure to the **Rules and Operations of the Senate Committee**.

H.B. 886 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF ARTICLE 1, CHAPTER 90 OF THE GENERAL STATUTES TO DESIGNATE ONE APPOINTMENT TO THE NORTH CAROLINA MEDICAL BOARD FOR A DOCTOR OF OSTEOPATHY OR A MEDICAL SCHOOL FACULTY MEMBER WHO UTILIZES INTEGRATIVE MEDICINE IN THEIR CLINICAL PRACTICE OR A MEMBER OF THE OLD NORTH STATE MEDICAL SOCIETY, TO ESTABLISH THE STANDARD OF PROOF FOR ANNULMENT, SUSPENSION, DENIAL OR REVOCATION OF A MEDICAL LICENSE IN THE CASE OF LACK OF PROFESSIONAL COMPETENCE, TO REQUIRE THE BOARD TO CONSULT WITH A LICENSEE WHO PRACTICES INTEGRATIVE MEDICINE PRIOR TO TAKING ACTION AGAINST ANY LICENSEE WHO PRACTICES INTEGRATIVE MEDICINE FOR PROVIDING CARE NOT IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR THE PROCEDURES OR TREATMENTS ADMINISTERED, TO SPECIFY THAT A LICENSEE MAY CALL WITNESSES WITH EXPERTISE IN THE SAME FIELD OF PRACTICE AS THE LICENSEE IN A PROCEEDING BEFORE THE MEDICAL BOARD AND TO SPECIFY THAT WITNESSES SHALL NOT BE RESTRICTED TO EXPERTS CERTIFIED BY THE AMERICAN BOARD OF MEDICAL SPECIALTIES, AND TO PROVIDE THAT STATEMENTS CONTAINED IN MEDICAL OR SCIENTIFIC LITERATURE SHALL BE COMPETENT EVIDENCE IN PROCEEDINGS HELD BEFORE THE BOARD, referred to the **Judiciary I Committee** on May 5.

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 bill withdrawn from the **Judiciary I Committee** and refers the measure to the **Rules and Operations of the Senate Committee**.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 471, AN ACT TO AMEND THE LAWS GOVERNING THE SELF-INSURANCE GUARANTY ASSOCIATION.

S.B. 539, AN ACT AMENDING THE LAW GOVERNING THE LIMITED PRACTICE OF OUT-OF-STATE ATTORNEYS-AT-LAW AND THE OPERATION OF THE COUNCIL AND DISCIPLINARY HEARING COMMISSION OF THE NORTH CAROLINA STATE BAR.

S.B. 704, AN ACT TO ESTABLISH THE TRAUMATIC BRAIN INJURY ADVISORY COUNCIL.

H.B. 462, AN ACT TO INCLUDE DULY LICENSED MARRIAGE AND

FAMILY THERAPISTS UNDER THE INSURANCE 'FREEDOM OF CHOICE' LAW AND UNDER THE PROFESSIONAL CORPORATIONS ACT.

H.B. 744, AN ACT TO REQUIRE INSURERS TO INFORM COVERED PERSONS ABOUT ASSISTANCE AVAILABLE FROM THE MANAGED CARE PATIENT ASSISTANCE PROGRAM.

H.B. 913, AN ACT AUTHORIZING THE NORTH CAROLINA UTILITIES COMMISSION TO DETERMINE A TIME IN WHICH FINAL RULES CONCERNING THE DESIGNATION OF A UNIVERSAL SERVICE PROVIDER FOR TELEPHONE SERVICE SHALL BE ADOPTED.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 290, AN ACT TO CLARIFY THAT THE CITY OF GREENSBORO MAY ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS.

S.B. 478, AN ACT AUTHORIZING THE CITIES OF DURHAM AND MONROE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

H.B. 742, AN ACT TO IMPLEMENT A PROPOSED ANNEXATION OF THE TOWN OF CAROLINA SHORES.

H.B. 765, AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN CHOWAN COUNTY.

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. 821, A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE PROCESS OF FILLING A VACANCY ON A PARTY TICKET, with a favorable report.

Upon motion of Senator Clodfelter, the bill is placed on the Calendar for Wednesday, May 28.

H.B. 273 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT EMPLOYEES WHO RECEIVE VACCINATION AGAINST SMALLPOX INCIDENT TO THE ADMINISTRATION OF SMALLPOX COUNTERMEASURES BY HEALTH PROFESSIONALS UNDER SECTION 304 OF THE FEDERAL HOMELAND SECURITY ACT OF 2002 AND ANY HOUSEHOLD MEMBERS LIVING IN THE HOMES OF THESE VACCINATED EMPLOYEES WILL BE COVERED FOR ADVERSE MEDICAL REACTIONS DUE TO THE VACCINATION, with an unfavorable report as to Committee

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Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30342, is adopted and engrossed.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, May 28.

By Senator Purcell for the **Health and Human Resources Committee**:

H.B. 278 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING EXAMINATIONS FOR LICENSURE TO PRACTICE CHIROPRACTIC, with a favorable report.

Upon motion of Senator Purcell, the Committee Substitute bill is placed on the Calendar for Tuesday, May 27.

H.B. 825 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY PRIVATE OR PUBLIC INSTITUTION THAT OFFERS A POSTSECONDARY DEGREE TO PROVIDE MENINGOCOCCAL AND HEPATITIS B IMMUNIZATION INFORMATION TO NEWLY ENROLLED STUDENTS IF THE INSTITUTION HAS A RESIDENTIAL CAMPUS, 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 70325, which changes the title to read **H.B. 825** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY PRIVATE OR PUBLIC INSTITUTION THAT OFFERS A POSTSECONDARY DEGREE TO PROVIDE MENINGOCOCCAL DISEASE IMMUNIZATION INFORMATION TO STUDENTS IF THE INSTITUTION HAS A RESIDENTIAL CAMPUS, is adopted and engrossed.

Upon motion of Senator Purcell, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, May 27.

By Senator Kerr for the **Finance Committee**:

S.B. 725, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PERMIT CITIES AND COUNTIES TO INCUR OBLIGATIONS TO FINANCE THE PUBLIC PORTION OF CERTAIN ECONOMIC DEVELOPMENT PROJECTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85243, is adopted and engrossed.

Upon motion of Senator Kerr, the Committee Substitute bill is placed on the Calendar for Wednesday, May 28.

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 Soles:

S.J.R. 1022, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF SAMUEL KOONCE, FORMER CIVIC LEADER.

Referred to **Rules and Operations of the Senate Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
May 21, 2003

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for SB 384, A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN AND WILMINGTON URBAN LOOPS AND OTHER INTRASTATE IMPROVEMENT PROJECT, and requests conferees, Speaker Morgan appoints:

Representative Luebke, Chair
Representative Barnhart
Representative Dickson
Representative McComas
Representative McGee, and
Representative Parmon

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

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 776 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF EMPLOYEE UNDER THE WORKERS' COMPENSATION ACT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, May 27.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

May 22, 2003

H.B. 63 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT AND TO PROVIDE THAT VACANCIES IN THE OFFICE OF SHERIFF OF RICHMOND COUNTY WILL BE FILLED IN ACCORDANCE WITH G.S. 162-5.1.

The Senate Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 68 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF SPRING LAKE AND THE CITY OF NEWTON TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 27.

Upon motion of Senator Stevens, the President Pro Tempore, extends privileges of the floor to Professor Xiao ChunQiao, from the People's University of China in Beijing, China.

H.B. 124 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING A PROTEST PETITION REQUIREMENT FOR DURHAM COUNTY.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered enrolled.

H.B. 520 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF OAK ISLAND.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered enrolled.

H.B. 651, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY MANAGER TO MAKE DECISIONS REGARDING ROUTINE TRAFFIC CONTROL MEASURES.

The bill passes its second (44-0) and third readings and is ordered enrolled.

H.B. 679 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF RALEIGH AND SALISBURY 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, AND TO ALLOW WAKE COUNTY AND THE TOWN OF RUTHERFORDTON TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT.

Senator Brock offers Amendment No. 1 which is adopted (44-0), and changes the title to read **H.B. 679** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF RALEIGH 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, AND TO ALLOW WAKE COUNTY AND THE TOWN OF RUTHERFORDTON TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT.

The Senate Committee Substitute bill 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.

H.B. 283 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE REAL PROPERTY WARRANTY COMPANIES TO CARRY CONTRACTUAL LIABILITY POLICIES; ESTABLISH GREATER UNIFORMITY AND FLEXIBILITY FOR REQUIREMENTS IMPOSED UPON SERVICE AGREEMENT COMPANIES AND PERSONS THAT ISSUE WARRANTIES UNDER ARTICLE 1 OF CHAPTER 58; EXPAND THE DEFINITION OF HOME APPLIANCE WITHIN THE HOME APPLIANCE SERVICE AGREEMENT COMPANIES STATUTE; ENHANCE ENFORCEMENT OF ARTICLE 1 OF CHAPTER 58; REQUIRE MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES TO USE A SPECIFIC FORMAT ON ALL WRITTEN MATERIALS SUBMITTED; MANDATE ALL REQUIRED INSURER SUBMISSIONS TO THE DEPARTMENT OF INSURANCE TO BE IN A SPECIFIC FORMAT IF IN WRITING; DEFINE MECHANICAL BREAKDOWN SERVICE AGREEMENTS AND REQUIRE ALL MECHANICAL BREAKDOWN SERVICE AGREEMENT COMPANIES TO COMPLY WITH ARTICLE 1 OF CHAPTER 58 OF THE GENERAL STATUTES AND WITH THE RULES REGARDING MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES; PROVIDE THAT A BAD CHECK CONSTITUTES GROUNDS FOR TERMINATION OF A MOTOR VEHICLE LIABILITY INSURANCE POLICY; AND AUTHORIZE THE ISSUANCE OF LIMITED LICENSES FOR THE SALE OF INSURANCE COVERAGE ON PERSONAL PROPERTY STORED IN SELF-SERVICE STORAGE UNITS.

The Senate Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 421 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VETERANS DAY A HOLIDAY FOR SCHOOL PERSONNEL.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered enrolled and sent to the Governor.

The Chair grants leaves of absence for the remainder of today's session to Senator Hoyle.

H.B. 978 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA VETERINARY MEDICAL BOARD TO ENTER INTO AGREEMENTS WITH ORGANIZATIONS THAT HAVE DEVELOPED PROGRAMS FOR IMPAIRED VETERINARY PERSONNEL.

The Senate Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1016 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD PARTICULAR UNIVERSITY FACILITIES AS NONSMOKING AREAS.

Upon motion of Senator Lucas, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 27.

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H.B. 1158, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW SPECIFYING THE TYPE OF PISTOLS THAT MAY BE USED FOR HUNTING.

The bill passes its second (43-1) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1175 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING FAIR HOUSING ORGANIZATIONS TO FILE COMPLAINTS WITH THE STATE HUMAN RELATIONS COMMISSION.

The Senate Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 358 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE DAMAGE AMOUNTS ON DEFINED MOTOR VEHICLE ACCIDENTS.

The Senate Committee Substitute bill passes its third reading (44-0) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

Senator Basnight thanks the Pages for their week of service and offers them an opportunity to address the Senate. Upon motion of Senator Foxx, the words of the Pages are spread upon the journal as follows:

Katie Cole, Apex, North Carolina:

"First of all, I'd like to thank the North Carolina State Senate for sponsoring the Page Program. It's been an awesome experience. As for Memorial Day, traditionally for students it's been that wonderful three-day weekend, but not this year. Despite that, it's a chance to remember everything that we have fought for, that this Country is worth, and everything that we take pride in. Thank you."

Andrew McIndoe, Oak Ridge, North Carolina:

"This is a good view, Senator Basnight, you have here. Members of the Senate and fellow citizens, it's an honor to be here today as a Page, to have this opportunity this week. North Carolina is a great State and I'm sure that most of you know that as Senators from North Carolina. There are many reasons North Carolina is so great. Among them are the culture, the diversity of the State, the different sectors of agriculture, all the things that we produce. One thing that I think is often forgotten with the State of North Carolina is the motto. In Latin it is 'Esse Quam Videri' which means 'To be Rather Than to Seem.' I don't think that many people know that. I think that all the Senators and citizens and pages need to be reminded that it's important to be real, not hide it behind a mask and to vote as Senators on principle, and to speak up here on principle, not just to be re-elected sometimes. As a fifteen-year-old, you look at things as the principle and you look at things on what you think. You're not thinking so much about compromise or being re-elected. I thank you for this opportunity to speak and I'd like to remind you 'To be Rather Than to Seem.'"

Upon motion of Senator Dannelly, seconded by Senator Webster, the Senate adjourns at 12:00 P.M. to meet tomorrow, Friday, May 23, at 8:30 A.M.

SIXTY-SEVENTH DAY

Senate Chamber
Friday, May 23, 2003

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, we commend to your gracious care and keeping all the men and women of our armed forces at home and abroad. Defend them day by day with your heavenly grace; strengthen them in their trials and temptations; give them courage to face the perils which beset them; and grant them a sense of your abiding presence wherever they may be.

"We also remember the men and women in our armed forces that gave their lives so that many people in the world could enjoy freedom; through Jesus Christ our Lord Amen."

*Prayer taken from *The Episcopal Book of Common Prayer*

The Chair grants leaves of absence for today's session to Senator Hargett and Senator Pittenger.

Senator Malone, announces that the Journal of yesterday, Thursday, May 22, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 234, AN ACT TO CLARIFY THE APPLICATION PROCESS FOR COMMUNITY COLLEGE STUDENTS REQUESTING FINANCIAL ASSISTANCE. (Became law upon approval of the Governor, May 20, 2003—S.L. 2003-52.)

H.B. 950, AN ACT TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO OBTAIN THE APPROVAL OF THE COURT BEFORE PLACING A JUVENILE COMMITTED TO THE DEPARTMENT IN A PROGRAM NOT LOCATED IN A YOUTH DEVELOPMENT CENTER OR DETENTION FACILITY. (Became law upon approval of the Governor, May 20, 2003—S.L. 2003-53.)

H.B. 746, AN ACT TO AMEND AND MODERNIZE THE LAW NAMING THE INDIAN TRIBES IN THIS STATE BY ADDING CLARIFYING INFORMATION ABOUT REFERENCES TO THE LUMBEE TRIBE AND BY

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ADDING SECTIONS RECOGNIZING THE MEHERRIN TRIBE AND THE OCCANEECHI BAND OF THE SAPONI NATION. (Became law upon approval of the Governor, May 20, 2003–S.L. 2003-54.)

H.B. 710, AN ACT TO ADD A MEMBER REPRESENTING THE OCCANEECHI BAND OF THE SAPONI NATION TO THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER. (Became law upon approval of the Governor, May 20, 2003–S.L. 2003-55.)

H.B. 461, AN ACT TO DELAY THE EFFECTIVE DATE OF THE INTERPRETER AND TRANSLITERATOR LICENSURE ACT. (Became law upon approval of the Governor, May 20, 2003–S.L. 2003-56.)

H.B. 103, AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS TO CONFORM TO THE INCREASE IN THE NUMBER OF CONGRESSIONAL DISTRICTS IN THIS STATE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, May 20, 2003–S.L. 2003-57.)

H.B. 80, AN ACT TO REQUIRE THAT CERTAIN REPORTS BE MADE TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES. (Became law upon approval of the Governor, May 20, 2003–S.L. 2003-58.)

H.B. 636, AN ACT TO GIVE EFFECT TO ELECTRONIC JUDGMENT DOCKETS BY MODERNIZING LAWS REGARDING JUDGMENTS AND REESTABLISHING THE EFFECTIVE DATE OF CIVIL JUDGMENT LIENS AND THE DATE FROM WHICH INTEREST ACCRUES ON JUDGMENTS. (Became law upon approval of the Governor, May 20, 2003–S.L. 2003-59.)

H.B. 475, AN ACT TO AMEND THE STATUTE PERTAINING TO REGISTRATION OF BIRTH AND DEATH CERTIFICATES. (Became law upon approval of the Governor, May 20, 2003–S.L. 2003-60.)

H.B. 952, AN ACT TO MAKE A CLARIFYING CHANGE TO THE LAWS RELATING TO THE CONFIRMATION OF AN ARBITRATION AWARD UNDER THE FAMILY LAW ARBITRATION ACT. (Became law upon approval of the Governor, May 20, 2003–S.L. 2003-61.)

H.B. 126, AN ACT TO CLARIFY THE LAW GOVERNING EVIDENCE ADMISSIBLE IN CERTAIN JUVENILE HEARINGS. (Became law upon approval of the Governor, May 20, 2003–S.L. 2003-62.)

S.B. 658, AN ACT TO RESOLVE CONFLICTING STATUTES; TO AMEND THE APPELLATE PROCEDURE BEFORE THE STATE BANKING COMMISSION; AND TO AUTHORIZE THE COMMISSIONER OF BANKS TO APPOINT A HEARING OFFICER. (Became law upon approval of the Governor, May 20, 2003–S.L. 2003-63.)

S.B. 765, AN ACT TO LIMIT THE AREA OF WESTERN CORE SOUND THAT MAY BE LEASED FOR THE CULTIVATION OF SHELLFISH AND TO DIRECT THE DIVISION OF MARINE FISHERIES TO REPORT TO THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE ON THE IMPLEMENTATION OF THIS ACT. (Became law upon approval of the Governor, May 20, 2003–S.L. 2003-64.)

S.B. 557, AN ACT REQUIRING A TAXICAB DRIVER TO PASS A CONTROLLED SUBSTANCE EXAMINATION BEFORE BEING LICENSED AS A TAXICAB DRIVER IN THIS STATE. (Became law upon approval of the Governor, May 20, 2003–S.L. 2003-65.)

H.B. 1065, AN ACT TO MODIFY THE AUTHORITY AND PROCEDURE FOR A REDEVELOPMENT COMMISSION TO CONVEY CERTAIN PROPERTY IN A DESIGNATED REDEVELOPMENT AREA. (Became law upon approval of the Governor, May 20, 2003–S.L. 2003-66.)

S.B. 326, AN ACT TO CLARIFY THE LAW ON CHANGING THE FORMS OF BUSINESSES FOR UNEMPLOYMENT INSURANCE TAX PURPOSES AND TO INCREASE PENALTIES, SO AS TO DETER THE PRACTICE OF STATE UNEMPLOYMENT TAX AVOIDANCE (SUTA DUMPING). (Became law upon approval of the Governor, May 20, 2003–S.L. 2003-67.)

S.B. 295, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES FOR PARAMEDICS AND THE NORTH CAROLINA COASTAL FEDERATION. (Became law upon approval of the Governor, May 20, 2003–S.L. 2003-68.)

S.B. 39, AN ACT TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO ASSESS INTEREST ON PREMIUM PAYMENTS NOT REMITTED BY CHARTER SCHOOL EMPLOYING UNITS IN A TIMELY MANNER. (Became law upon approval of the Governor, May 20, 2003–S.L. 2003-69.)

S.B. 422, AN ACT TO AMEND THE ADVANCE HEALTH CARE DIRECTIVE REGISTRY LAW TO EXEMPT FROM NOTARY REQUIREMENTS ANATOMICAL GIFT INSTRUMENTS. (Became law upon approval of the Governor, May 20, 2003–S.L. 2003-70.)

S.B. 731, AN ACT TO INCREASE THE SIZE OF PACKAGES OF FERTILIZER THAT MAY BE SOLD WITH NUTRIENT GUARANTEES STATED IN FRACTIONAL PERCENTAGES AND TO AUTHORIZE THE BOARD OF AGRICULTURE TO ADOPT TEMPORARY RULES IN ORDER TO ESTABLISH RENTAL RATES FOR THE USE OF FACILITIES OPERATED BY THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES. (Became law upon approval of the Governor, May 20, 2003–S.L. 2003-71.)

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H.B. 393, AN ACT TO MODIFY THE AUTHORITY OF THE BOARD OF COUNTY COMMISSIONERS IN CERTAIN COUNTIES TO REQUIRE THE REGISTER OF DEEDS IN THE COUNTY NOT TO ACCEPT ANY DEED TRANSFERRING REAL PROPERTY FOR REGISTRATION UNLESS THE COUNTY TAX COLLECTOR CERTIFIES THAT NO DELINQUENT TAXES ARE DUE ON THAT PROPERTY. (Became law upon approval of the Governor, May 20, 2003—S.L. 2003-72.)

H.B. 517, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF HOLLY SPRINGS. (Became law upon ratification, May 21, 2003—S.L. 2003-73.)

H.B. 755, AN ACT AUTHORIZING THE TOWNS OF CARY AND GARNER TO ACQUIRE PROPERTY FOR THE PRESENT OR FUTURE LOCATION OR RELOCATION OF TELEPHONE, TELEGRAPH, ELECTRIC, OR OTHER LINES TO BE OPERATED BY PUBLIC UTILITIES. (Became law upon ratification, May 21, 2003—S.L. 2003-74.)

H.B. 790, AN ACT REPEALING THE CHARTER FOR THE TOWN OF CASHIERS BECAUSE THE TOWN HAS BEEN INACTIVE SINCE INCORPORATION, AND INCORPORATING THE VILLAGE OF CASHIERS. (Became law upon ratification, May 21, 2003—S.L. 2003-75.)

Upon motion of Senator Reeves, seconded by Senator Malone, the Senate adjourns at 8:36 A.M. to meet Tuesday, May 27 at 3:00 P.M.

SIXTY-EIGHTH DAY

Senate Chamber
Tuesday, May 27, 2003

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, yesterday, many of the members of the Senate family either led or participated in Memorial Day Services.

"As we begin a new week, help us to pursue our tasks with the same kind of bravery that was honored yesterday.

"Unlike heroes though, too often we act not because we see the light but because we feel the heat.

"Let us show initiative and courage of action in all that we do this week. Amen."

The Chair grants a leave of absence for today to Senator Clodfelter.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Friday, May 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. Thomas R. Walsh from High Point, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 136, AN ACT TO CLARIFY THE LAW GOVERNING DISSENTERS' RIGHTS WITH REGARD TO MAJORITY CONSENT ACTION.

S.B. 769, AN ACT TO ESTABLISH RATE SETTING AND RATE-APPROVAL METHODS FOR THE BEACH PLAN HOMEOWNERS POLICY, TO PROVIDE INCENTIVES TO BEACH AND COASTAL AREA HOMEOWNERS WHO ESTABLISH AND MAINTAIN RISK PREVENTION AND RISK MITIGATION MEASURES, AND TO EXTEND THE DEADLINE FOR ISSUANCE OF THE HOMEOWNERS POLICY PRODUCT BY THE BEACH PLAN.

H.B. 42, AN ACT MODIFYING THE FELONY AND MISDEMEANOR OFFENSES RELATED TO CONDUCTING CERTAIN UNAUTHORIZED SOUND AND VIDEO RECORDINGS.

H.B. 421, AN ACT TO MAKE VETERANS DAY A HOLIDAY FOR SCHOOL PERSONNEL.

H.B. 1158, AN ACT TO AMEND THE LAW SPECIFYING THE TYPE OF PISTOLS THAT MAY BE USED FOR HUNTING.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 83, AN ACT AUTHORIZING THE CITY OF ROCKY MOUNT TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

S.B. 425, AN ACT AUTHORIZING THE COUNTY OF CABARRUS TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE IN LIEU OF PUBLICATION.

S.B. 492, AN ACT TO AMEND AND MODERNIZE THE CHARTER OF THE CITY OF EDEN.

H.B. 124, AN ACT ADOPTING A PROTEST PETITION REQUIREMENT FOR DURHAM COUNTY.

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H.B. 520, AN ACT AMENDING THE CHARTER OF THE TOWN OF OAK ISLAND.

H.B. 651, AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY MANAGER TO MAKE DECISIONS REGARDING ROUTINE TRAFFIC CONTROL MEASURES.

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. 290, AN ACT TO CLARIFY THAT THE CITY OF GREENSBORO MAY ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS. (Became law upon ratification, May 22, 2003–S.L. 2003-76.)

S.B. 478, AN ACT AUTHORIZING THE CITIES OF DURHAM AND MONROE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE. (Became law upon ratification, May 22, 2003–S.L. 2003-77.)

H.B. 742, AN ACT TO IMPLEMENT A PROPOSED ANNEXATION OF THE TOWN OF CAROLINA SHORES. (Became law upon ratification, May 22, 2003–S.L. 2003-78.)

H.B. 765, AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN CHOWAN COUNTY. (Became law upon ratification, May 22, 2003–S.L. 2003-79.)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1016 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD PARTICULAR UNIVERSITY FACILITIES AS NONSMOKING AREAS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Education/Higher Education Committee**.

H.B. 562 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO USE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS DURING A THREE-YEAR PILOT PROGRAM IN DESIGNATED CORRIDORS; TO AUTHORIZE THE CITY OF CHARLOTTE TO ESTABLISH CIVIL PENALTIES FOR SPEED LIMIT AND SCHOOL ZONE SPEED LIMIT VIOLATIONS; AND TO AUTHORIZE THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE SECRETARY OF CRIME CONTROL AND PUBLIC SAFETY TO APPROVE STANDARDS FOR THE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS.

Upon motion of Senator Dannelly, the Senate Committee Substitute bill is

withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 4.

H.B. 1024 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT FOR NORTH CAROLINA.

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, May 28.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Commerce Committee**:

H.B. 560 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DISAPPROVE THE ADMINISTRATIVE RULES GOVERNING LIFE INSURANCE REPLACEMENT, with a favorable report.

H.B. 829, A BILL TO BE ENTITLED AN ACT TO ADOPT THE NAIC MODEL STANDARD NONFORFEITURE LAW FOR INDIVIDUAL DEFERRED ANNUITIES, with a favorable report.

H.B. 864 (Committee Substitute), A BILL TO BE ENTITLED AN ACT INCREASING THE EFFICIENCY OF GUARANTEED ENERGY SAVINGS CONTRACTS FOR STATE GOVERNMENTAL UNITS, with a favorable report.

H.B. 900, A BILL TO BE ENTITLED AN ACT MODIFYING THE DEFINITION OF "RESTAURANT" FOR ABC PERMITS, with a favorable report.

H.B. 1093, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE NORTH CAROLINA INSURANCE GUARANTY ASSOCIATION ACT, with a favorable report.

By Senator Purcell for the **Health and Human Resources Committee**:

H.B. 253, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND RELATED SUBSTANTIVE CHANGES TO THE CONTINUING CARE RETIREMENT (CCR) LAWS TO ELIMINATE THE UNNECESSARY PROVISION ALLOWING FOR ACCREDITED BUT UNLICENSED PROVIDERS OF CCR SERVICES; CHANGE REFERENCES FROM "FACILITY" TO "PROVIDER" WHERE APPROPRIATE TO ACCOMMODATE THE SITUATION WHERE AN ENTITY OPERATES MORE THAN ONE FACILITY; CHANGE "FORECAST" TO "FORECASTED" WHERE FOUND; CHANGE THE OPERATING RESERVES STATUTE BY REWORDING SOME PROVISIONS TECHNICALLY; CHANGE REFERENCES TO "REGISTRATION" OF A FACILITY TO "LICENSURE"; MAKE GENDER NEUTRAL CHANGES TO THE CCR LAWS; CLARIFY THAT A PROVIDER MUST HOLD SEMI-ANNUAL

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MEETINGS WITH THE RESIDENTS OF EACH FACILITY OPERATED BY THE PROVIDER; AND MAKE OTHER TECHNICAL AND CONFORMING CHANGES TO ARTICLE 64, 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 30344, which changes the title to read **H.B. 253** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE CONTINUING CARE RETIREMENT (CCR) LAWS, is adopted and engrossed.

H.B. 1063 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE OPERATORS OF CHILD CARE FACILITIES TO DISCUSS THE DIVISION OF CHILD DEVELOPMENT'S SUMMARY OF THE LAWS RELATING TO CHILD CARE FACILITIES WITH PARENTS, TO REQUIRE THE DIVISION OF CHILD DEVELOPMENT TO INCLUDE IN ITS SUMMARY A STATEMENT ON HOW PARENTS MAY OBTAIN INFORMATION ON INDIVIDUAL CHILD CARE FACILITIES, AND TO REQUIRE CHILD CARE FACILITIES TO POST THE SUMMARY IN A PROMINENT PLACE, 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 50288, which changes the title to read **H.B. 1063** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE OPERATORS OF CHILD CARE FACILITIES TO PROVIDE TO PARENTS THE DIVISION OF CHILD DEVELOPMENT'S SUMMARY OF THE LAWS RELATING TO CHILD CARE FACILITIES, TO REQUIRE THE DIVISION OF CHILD DEVELOPMENT TO INCLUDE IN ITS SUMMARY A STATEMENT ON HOW PARENTS MAY OBTAIN INFORMATION ON INDIVIDUAL CHILD CARE FACILITIES, AND TO REQUIRE CHILD CARE FACILITIES TO POST THE SUMMARY IN A PROMINENT PLACE, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 352, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING DRUG SCREENING AND ASSESSMENT OF A CRIMINAL DEFENDANT FOR CHEMICAL DEPENDENCY, AS RECOMMENDED BY THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION, with a favorable report.

H.B. 1048 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE REVISIONS TO THE JUVENILE CODE AS RECOMMENDED BY THE NORTH CAROLINA JUVENILE COURT IMPROVEMENT PROJECT, with a favorable report.

H.B. 1151 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ADMINISTRATIVE PROCEDURE ACT TO REVISE THE PROCEDURE FOR ADOPTING PERMANENT AND TEMPORARY RULES, TO CREATE A PROCEDURE FOR THE ADOPTION OF EMERGENCY RULES, TO CLARIFY THE ROLE OF THE RULES REVIEW COMMISSION AND TO EXCLUDE THE STATE MEDICAL FACILITIES PLAN FROM THE

DEFINITION OF A 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 30346, which changes the title to read **H.B. 1151** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ADMINISTRATIVE PROCEDURE ACT TO REVISE THE PROCEDURE FOR ADOPTING PERMANENT AND TEMPORARY RULES, TO CREATE A PROCEDURE FOR THE ADOPTION OF EMERGENCY RULES, TO CLARIFY THE ROLE OF THE RULES REVIEW COMMISSION, AND TO EXCLUDE THE STATE MEDICAL FACILITIES PLAN FROM THE DEFINITION OF A RULE, is adopted and engrossed.

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

H.B. 706, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE TO ALLOW THE CITY TO PURCHASE APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT FOR PUBLIC TRANSIT PURPOSES FROM PERSONS OR ENTITIES THAT HAVE RECENTLY MET STATE BIDDING LAW REQUIREMENTS AND PROVIDED APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT TO THE FEDERAL GOVERNMENT, STATE OF NORTH CAROLINA, OR ANOTHER 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 30343, which changes the title to read **H.B. 706** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE AND THE GENERAL STATUTES ESTABLISHING A REGIONAL PUBLIC TRANSPORTATION AUTHORITY TO ALLOW THE CITY AND A REGIONAL PUBLIC TRANSPORTATION AUTHORITY TO PURCHASE APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT FOR PUBLIC TRANSIT PURPOSES FROM PERSONS OR ENTITIES THAT HAVE RECENTLY MET STATE BIDDING LAW REQUIREMENTS AND PROVIDED APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT TO THE FEDERAL GOVERNMENT, THE STATE OF NORTH CAROLINA, OR ANOTHER STATE, is adopted and engrossed.

H.B. 776, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO TO GIVE THE CITY MANAGER GREATER AUTHORITY TO APPROVE CERTAIN CONTRACTS, 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 60355, is adopted and engrossed.

H.B. 627 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS, 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 60354, is adopted and engrossed.

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H.B. 735 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR AND AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR, 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 80314, which changes the title to read **H.B. 735** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CERTAIN CITIES TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR AND AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR, is adopted and engrossed.

By Senator Kerr for the **Finance Committee**:

S.B. 76, A BILL TO BE ENTITLED AN ACT RELATING TO THE 25TH 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 40050, which changes the title to read **S.B. 76** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF MISENHEIMER, 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
May 27, 2003

Madame President:

It is ordered that a message be sent to your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for HB 745, A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP OF THE NORTH CAROLINA INDIAN CULTURAL CENTER BOARD, and requests conferees.

Speaker Morgan has appointed:

Representative Sutton, Chair
Representative Yongue,

Representative Setzer, and
Representative K. Williams

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 522 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE METHOD BY WHICH CERTAIN MEMBERS ON THE NORTH CAROLINA BOARD OF NURSING ARE ELECTED OR APPOINTED, TO MAKE TECHNICAL CHANGES TO THE NURSING PRACTICE ACT, AND TO REQUIRE THAT HEALTH CARE FACILITIES VERIFY THE LICENSURE STATUS OF APPLICANTS SEEKING EMPLOYMENT AS NURSES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, May 28.

S.B. 620 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL PURCHASING FLEXIBILITY AND TO ENCOURAGE THEM TO USE THE NC E-PROCUREMENT SERVICE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, May 28.

S.B. 693 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING ENHANCED SENTENCES AS RECOMMENDED BY THE SENTENCING COMMISSION AND TO MAKE CONFORMING CHANGES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, May 28.

WITHDRAWAL FROM COMMITTEE

H.B. 1213 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE DEFERRED DEPOSIT TRANSACTIONS AND TO PROVIDE ADDITIONAL CONSUMER DISCLOSURES AND PROTECTIONS, re-referred to the **Judiciary I Committee** on May 6.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent.

May 27, 2003

The Chair orders the Committee Substitute bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Commerce Committee**.

CALENDAR (*continued*)

H.B. 68 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF SPRING LAKE AND THE CITY OF NEWTON TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS.

The Committee Substitute bill passes its second (44-5) and third readings and is ordered enrolled.

H.B. 55 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FIRE DEPARTMENTS TO HONOR RETIRING OR DECEASED FIREFIGHTERS BY AWARDING THEIR FIRE HELMETS TO THEM OR TO A SURVIVING RELATIVE, 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, May 28, upon third reading.

H.B. 278 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING EXAMINATIONS FOR LICENSURE TO PRACTICE CHIROPRACTIC.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 825 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY PRIVATE OR PUBLIC INSTITUTION THAT OFFERS A POSTSECONDARY DEGREE TO PROVIDE MENINGOCOCCAL DISEASE IMMUNIZATION INFORMATION TO STUDENTS IF THE INSTITUTION HAS A RESIDENTIAL CAMPUS.

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. 883 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO TEMPORARILY WAIVE CERTAIN REQUIREMENTS OF THE MENTAL HEALTH COMMITMENT STATUTES TO FURTHER MENTAL HEALTH REFORM EFFORTS.

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.

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 Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 834, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 106 OF THE GENERAL STATUTES AND OTHER LAWS PERTAINING TO AGRICULTURE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55193, which changes the title to read **S.B. 834** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE FOOD SAFETY AND SECURITY TASK FORCE AND TO APPROPRIATE FUNDS TO IMPROVE FOOD SAFETY AND SECURITY IN THE STATE, is adopted and engrossed.

Upon motion of Senator Albertson, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Kerr for the **Finance Committee**:

S.B. 97, 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 35293, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

H.B. 609 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE LAWS PERTAINING TO THE AMUSEMENT DEVICE SAFETY ACT OF NORTH CAROLINA, 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 60357, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 776 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF EMPLOYEE UNDER THE WORKERS' COMPENSATION ACT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dalton, the Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 931 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ELIMINATING THE PORTFOLIO REQUIREMENT FOR TEACHER

May 27, 2003

CERTIFICATION, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Shubert, the Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled and sent to the Governor.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Tiffany Annette Benson, Elizabethtown; Tara Benson, Elizabethtown; Jonathan Michael Blake, Cameron; Kelly E'Leise Bradshaw, Gastonia; Jessica Byers, Gastonia; Tessica Byers, Gastonia; Andrew K. Cantrell, Wilmington; Katherine Morgan Clemmons, New Bern; Steven Curry, Gastonia; William A. Dozier, Nashville; Kelly Elizabeth Hilton, Statesville; Siri Elizabeth Jones, Denver; Paul Lowe, Hickory; Ambra Lynch, Gastonia; Bryan Lynch, Gastonia; Kimberly Lynch, Gastonia; Emilie Amanda Pasour, Bessemer City; Joshua O. Smith, Gastonia; Melody Smith, Gastonia; and Kendra Walker, Gastonia.

PERSONAL PRIVILEGE

With unanimous consent, upon motion of Senator Foxx, the remarks of Senator Basnight who rises to a point of personal privilege, are spread upon the Journal, as follows:

Senator Basnight:

"Yesterday was a sad day and a happy day. Happy in the fact that Senator Bob Martin has met his Maker and we know where he is and we know the joy and the love that's going to occur because of that. It's sad for all of us that he's no longer with us, a man who has given so much to North Carolina, to her people. He had a strong commitment to do the things that would make each and every one of you proud and he did it on a daily basis to help people. When looking at him and listening to him at times you would probably think he didn't have a real soft touch, but he was gentle and giving, more so than anyone I've ever dealt with. It was always the little person that he wanted to help. He would cry and tear up quickly when someone was down or when someone needed help. When Floyd came and was so massive in its destruction, in its unforgiving way of taking from people, he cried. A big, grown man of his age crying, why does something like this have to happen to a people who are already pretty well flat on their back in many places. I was with him when he did just that. I was with him so many times when he would dig into his pocket to help someone very small in a small way. He was truly one of the greatest men this State has ever had. We were well represented by this Senate. You would have been awfully proud, for those of you who never knew Bob Martin as we did, to know that he was a Senator and he was a part of your family. Senator Dannelly, when we adjourn today if we could adjourn in honor and respect of one of your family members, Senator Bob Martin."

Upon motion of Senator Dannelly, seconded by Senator Lucas, the Senate adjourns at 4:04 P.M., in memory of and respect for former Senator R.L. "Bob" Martin, to meet tomorrow, Wednesday, May 28, at 2:00 P.M.

SIXTY-NINTH DAY

Senate Chamber
Wednesday, May 28, 2003

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 William Allen Bingham, Pastor, Nashville United Methodist Church, Nashville, North Carolina as follows:

"O God, the Creator of all that we behold and mysteries we cannot yet comprehend, O God who fashioned us male and female in your self-image, O God, the One who is, the One who was, and the One who is to come, You have filled the world with beauty and grace.

"Open our eyes to see your gracious hand in all your works. Teach us to cherish your creation and use its gifts in service to others. Teach us to serve you and our neighbor with glad hearts. Teach us to put aside the hate which infects our hearts. Teach us to be about your purposes on earth, that all nations may be united in harmony before you.

"Almighty God, you give us this good land in which to live as an inheritance. May you find us worthy of your blessing and favor. Save us from violence and discord and contention. Fill our hearts with thankfulness for your great bounty and may our trust in your great Name never fail.

"O God, our Governor, you are the font of wisdom and discernment. We pray for guidance for all those who govern and lead this great State, especially we pray today for the Senators in this State Legislature, that they may enact laws that please you and benefit your children.

"And now for these gathered in session of the North Carolina State Senate hear our prayer.

"O God, we lay before your throne our hopes and fears, our joys and sorrows, our wonder and confusion, asking that you bless our life together.

"We pray for all nations, peoples, and tribes throughout the world that we might learn the way of unity and peace and lean into the glorious liberty which is our birthright as your daughters and sons.

"We pray for our Nation that we may live into that promise of a more perfect union that embraces young and old, rich and poor, men and women, boys and girls, of every tribe and culture of this planet into one family before you.

"We pray for our neighbors in the communities that we call home, for those at work, at school, at home, and at play. Fill our eyes with compassion for the neighbor in need of shelter, a job, or a simple meal and lead us to respond as your hands bringing about your righteous kingdom.

"We pray for those whose body aches, whose hearts are weary, whose minds are confused, or whose spirits are broken. Pour out your healing grace and peace that they might know your holy touch.

"We dare to lift this prayer in the Name of the One who promises us that in him we will find the way, we will find truth, and we will find abundant life. Amen."

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Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, May 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. H. David Hardman from Durham, North Carolina, who is serving the Senate as Doctor of the Day, and to Maria Boyce from Durham, 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**:

H.B. 276 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE SUBSTANTIVE AND TECHNICAL AMENDMENTS IN THE LAWS CONCERNING INSURANCE COMPANY SOLVENCY, 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 30349, which changes the title to read **H.B. 276** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE SUBSTANTIVE AND TECHNICAL AMENDMENTS IN THE LAWS CONCERNING INSURANCE COMPANY SOLVENCY AND TO PROHIBIT OFFICERS AND EMPLOYEES OF THE STATE AND ITS POLITICAL SUBDIVISIONS FROM REQUIRING CONSTRUCTION CONTRACT BIDDERS TO OBTAIN SURETY BONDS FROM SURETIES OR PRODUCERS DESIGNATED BY THE OFFICERS AND EMPLOYEES, is adopted and engrossed.

H.B. 357 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT A PERSON THAT ACCEPTS CREDIT, CHARGE, OR DEBIT CARDS FOR THE TRANSACTION OF BUSINESS FROM PRINTING MORE THAN FIVE DIGITS OF A CREDIT, CHARGE, OR DEBIT CARD ACCOUNT NUMBER OR AN EXPIRATION DATE ON A SALES RECEIPT AND TO PROHIBIT A PERSON FROM SELLING A CASH REGISTER OR OTHER MACHINE OR DEVICE THAT ELECTRONICALLY PRINTS RECEIPTS OF CREDIT, CHARGE, OR DEBIT CARD TRANSACTIONS THAT CANNOT BE PROGRAMMED OR OPERATED TO PRODUCE A RECEIPT WITH FIVE OR FEWER DIGITS OF THE CREDIT, CHARGE, OR DEBIT CARD ACCOUNT NUMBER AND NO EXPIRATION DATE PRINTED ON THE RECEIPT, 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 60358, is adopted and engrossed.

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 201 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE BOARD OF ELECTIONS TO NOTIFY EACH CANDIDATE BEFORE THE BALLOT IS PRINTED HOW THAT CANDIDATE'S NAME WILL APPEAR ON THE BALLOT, 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 30347, which changes the title to read **H.B. 201** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A REVIEW PROCEDURE TO ENSURE THAT CANDIDATES' NAMES APPEAR ON THE BALLOT IN ACCORDANCE WITH LAW, is adopted and engrossed.

H.B. 842 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A SYSTEM FOR ALL NORTH CAROLINA ELECTIONS THAT COMPLIES WITH THE HELP AMERICA VOTE ACT, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 60356, which changes the title to read **H.B. 842** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A SYSTEM FOR ALL NORTH CAROLINA ELECTIONS THAT COMPLIES WITH THE HELP AMERICA VOTE ACT AND TO HELP PREVENT DUPLICATE NAMES ON JURY LISTS, is adopted and engrossed.

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

H.B. 13, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN TRANSYLVANIA COUNTY AND TO REQUIRE WRITTEN PERMISSION BEFORE HUNTING ON THE LAND OF ANOTHER IN TRANSYLVANIA COUNTY, with a favorable report.

H.B. 89, A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT APPLYING TO FORSYTH COUNTY CONCERNING FIRE AND RESCUE DISTRICTS, SO THE GENERAL LAW WILL APPLY, with a favorable report.

H.B. 153, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S GARBAGE AND TRASH ORDINANCE, AUTHORIZING THE CITY TO TAKE REMEDIAL ACTION REGARDING THE GARBAGE AND TRASH ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR, AND CLARIFYING THE LANGUAGE AS TO WHAT CONSTITUTES A CHRONIC VIOLATOR UNDER THE CITY'S CURRENT ORDINANCE REGARDING OVERGROWN VEGETATION, with a favorable report.

H.B. 187, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DISTRIBUTION OF THE PROCEEDS FROM THE TOWN OF NORWOOD AND CITY OF ALBEMARLE ABC SYSTEMS SHALL BE IN ACCORDANCE WITH GENERAL LAW, with a favorable report.

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H.B. 197 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE BLADEN COUNTY BOARD OF EDUCATION TO DISPOSE OF CERTAIN PROPERTY AT PRIVATE SALE, with a favorable report.

H.B. 214 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING THE TAX COLLECTOR OF MADISON COUNTY AN APPOINTED OFFICE RATHER THAN AN ELECTED OFFICE, with a favorable report.

H.B. 295 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF BEECH MOUNTAIN TO REGULATE GOLF CARTS AND UTILITY VEHICLES, with a favorable report.

H.B. 344 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE MOTOR FLEET MANAGEMENT DIVISION TO USE BEST MANAGEMENT PRACTICES IN OPERATING THE CENTRAL MOTOR POOL, TO USE A FORMULA TO DETERMINE THE MOST COST-EFFECTIVE REPLACEMENT OF VEHICLES, AND TO REPORT SEMIANNUALLY TO THE GENERAL ASSEMBLY ON THE COST SAVINGS RESULTING FROM USE OF THE FORMULA, with a favorable report.

H.B. 351, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF SALISBURY TO ADOPT AND ENFORCE ORDINANCES RELATING TO PARKING, with a favorable report.

H.B. 396 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE EDGEcombe COUNTY SCHOOL SYSTEM, with a favorable report.

H.B. 499 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF LANDIS TO EXTEND THE MAYOR'S AND ALDERMEN'S TERMS OF OFFICE FROM TWO TO FOUR YEARS, with a favorable report.

H.B. 582 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CLAY COUNTY TO ENGAGE IN JOINT DEVELOPMENT ACTIVITIES WITH A CONTIGUOUS COUNTY IN AN ADJOINING STATE, with a favorable report.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 776, AN ACT TO CLARIFY THE DEFINITION OF EMPLOYEE UNDER THE WORKERS' COMPENSATION ACT.

S.B. 931, AN ACT ELIMINATING THE PORTFOLIO REQUIREMENT FOR TEACHER CERTIFICATION.

H.B. 278, AN ACT TO AMEND THE LAW REGARDING EXAMINATIONS FOR LICENSURE TO PRACTICE CHIROPRACTIC.

H.B. 987, AN ACT TO AUTHORIZE THE FISHERIES DIRECTOR TO ISSUE PROCLAMATIONS THAT BECOME EFFECTIVE IMMEDIATELY UPON ISSUANCE AND TO MAKE OTHER TECHNICAL, CLARIFYING, AND CONFORMING CHANGES.

H.B. 1003, AN ACT RELATING TO STATE GOVERNMENT INFORMATION TECHNOLOGY SECURITY.

H.B. 1159, AN ACT TO ESTABLISH A MILITARY DRIVERS LICENSE EXPIRATION PROCEDURE WITHIN THE DIVISION OF MOTOR VEHICLES AND TO ALLOW THE DIVISION OF MOTOR VEHICLES TO ISSUE CONFIDENTIAL LICENSE PLATES AND DRIVERS LICENSES TO AGENTS OF THE DEPARTMENT OF DEFENSE.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 68, AN ACT TO AUTHORIZE THE TOWN OF SPRING LAKE AND THE CITY OF NEWTON TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS.

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. 83, AN ACT AUTHORIZING THE CITY OF ROCKY MOUNT TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE. (Became law upon ratification, May 27, 2003–S.L. 2003-80.)

S.B. 425, AN ACT AUTHORIZING THE COUNTY OF CABARRUS TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE IN LIEU OF PUBLICATION. (Became law upon ratification, May 27, 2003–S.L. 2003-81.)

S.B. 492, AN ACT TO AMEND AND MODERNIZE THE CHARTER OF THE CITY OF EDEN. (Became law upon ratification, May 27, 2003–S.L. 2003-82.)

H.B. 124, AN ACT ADOPTING A PROTEST PETITION REQUIREMENT FOR DURHAM COUNTY. (Became law upon ratification, May 27, 2003–S.L. 2003-83.)

H.B. 520, AN ACT AMENDING THE CHARTER OF THE TOWN OF OAK ISLAND. (Became law upon ratification, May 27, 2003–S.L. 2003-84.)

H.B. 651, AN ACT AMENDING THE CHARTER OF THE CITY OF
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DURHAM TO ALLOW THE CITY MANAGER TO MAKE DECISIONS REGARDING ROUTINE TRAFFIC CONTROL MEASURES. (Became law upon ratification, May 27, 2003–S.L. 2003-85.)

WITHDRAWAL FROM COMMITTEE

S.B. 408, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROCKINGHAM, referred to the **Rules and Operations of the Senate Committee** on March 13.

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**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1151 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ADMINISTRATIVE PROCEDURE ACT TO REVISE THE PROCEDURE FOR ADOPTING PERMANENT AND TEMPORARY RULES, TO CREATE A PROCEDURE FOR THE ADOPTION OF EMERGENCY RULES, TO CLARIFY THE ROLE OF THE RULES REVIEW COMMISSION, AND TO EXCLUDE THE STATE MEDICAL FACILITIES PLAN FROM THE DEFINITION OF A RULE.

Upon motion of Senator Hartsell, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 3.

S.B. 76 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF MISENHEIMER, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, May 29, upon third reading.

H.B. 627 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS.

Upon motion of Senator Horton, the President, orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 706 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE AND THE GENERAL STATUTES ESTABLISHING A REGIONAL PUBLIC TRANSPORTATION AUTHORITY TO ALLOW THE CITY AND A REGIONAL PUBLIC TRANSPORTATION AUTHORITY TO PURCHASE APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT FOR PUBLIC TRANSIT PURPOSES FROM PERSONS OR ENTITIES THAT HAVE RECENTLY MET STATE BIDDING LAW REQUIREMENTS AND PROVIDED APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT TO THE FEDERAL GOVERNMENT, THE STATE OF NORTH CAROLINA, OR ANOTHER STATE.

Senator Reeves offers Amendment No. 1 which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 735 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CERTAIN CITIES TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR AND AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR.

Senator Lucas offers Amendment No. 1 which is adopted (49-0), and changes the title to read **H.B. 735** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR.

The Senate Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 776 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO TO GIVE THE CITY MANAGER GREATER AUTHORITY TO APPROVE CERTAIN CONTRACTS.

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. 627 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS, temporarily displaced earlier.

Senator Horton offers Amendment No. 1 which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 55 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FIRE DEPARTMENTS TO HONOR RETIRING OR DECEASED

FIREFIGHTERS BY AWARDING THEIR FIRE HELMETS TO THEM OR TO A SURVIVING RELATIVE, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 97 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, May 29, upon third reading.

S.B. 725 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PERMIT CITIES AND COUNTIES TO INCUR OBLIGATIONS TO FINANCE THE PUBLIC PORTION OF CERTAIN ECONOMIC DEVELOPMENT PROJECTS, upon second reading.

Senator Clodfelter offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second reading by a three-fifths majority vote, ayes 47, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow, Thursday, May 29, upon third reading.

H.B. 253 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE CONTINUING CARE RETIREMENT (CCR) LAWS.

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. 273 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT EMPLOYEES WHO RECEIVE VACCINATION AGAINST SMALLPOX INCIDENT TO THE ADMINISTRATION OF SMALLPOX COUNTERMEASURES BY HEALTH PROFESSIONALS UNDER SECTION 304 OF THE FEDERAL HOMELAND SECURITY ACT OF 2002 AND ANY HOUSEHOLD MEMBERS LIVING IN THE HOMES OF THESE VACCINATED EMPLOYEES WILL BE COVERED FOR ADVERSE MEDICAL REACTIONS DUE TO THE VACCINATION.

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. 352, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING DRUG SCREENING AND ASSESSMENT OF A CRIMINAL DEFENDANT FOR CHEMICAL DEPENDENCY, AS RECOMMENDED BY THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION.

The bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 560 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DISAPPROVE THE ADMINISTRATIVE RULES GOVERNING LIFE INSURANCE REPLACEMENT.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 609 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE LAWS PERTAINING TO THE AMUSEMENT DEVICE SAFETY ACT OF NORTH CAROLINA.

The Senate Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 821, A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE PROCESS OF FILLING A VACANCY ON A PARTY TICKET.

The bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 829, A BILL TO BE ENTITLED AN ACT TO ADOPT THE NAIC MODEL STANDARD NONFORFEITURE LAW FOR INDIVIDUAL DEFERRED ANNUITIES.

The bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 864 (Committee Substitute), A BILL TO BE ENTITLED AN ACT INCREASING THE EFFICIENCY OF GUARANTEED ENERGY SAVINGS

CONTRACTS FOR STATE GOVERNMENTAL UNITS.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 900, A BILL TO BE ENTITLED AN ACT MODIFYING THE DEFINITION OF "RESTAURANT" FOR ABC PERMITS.

The bill passes its second (33-16) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1024 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT FOR NORTH CAROLINA.

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. 1048 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE REVISIONS TO THE JUVENILE CODE AS RECOMMENDED BY THE NORTH CAROLINA JUVENILE COURT IMPROVEMENT PROJECT.

The Committee Substitute bill passes its second (48-1) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1063 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE OPERATORS OF CHILD CARE FACILITIES TO PROVIDE TO PARENTS THE DIVISION OF CHILD DEVELOPMENT'S SUMMARY OF THE LAWS RELATING TO CHILD CARE FACILITIES, TO REQUIRE THE DIVISION OF CHILD DEVELOPMENT TO INCLUDE IN ITS SUMMARY A STATEMENT ON HOW PARENTS MAY OBTAIN INFORMATION ON INDIVIDUAL CHILD CARE FACILITIES, AND TO REQUIRE CHILD CARE FACILITIES TO POST THE SUMMARY IN A PROMINENT PLACE.

The Senate Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1093, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE NORTH CAROLINA INSURANCE GUARANTY ASSOCIATION ACT.

Upon motion of Senator Soles, the President orders, without objection, the bill temporarily displaced.

S.B. 522 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE METHOD BY WHICH CERTAIN MEMBERS ON THE NORTH CAROLINA BOARD OF NURSING ARE ELECTED OR APPOINTED, TO MAKE TECHNICAL CHANGES TO THE NURSING PRACTICE ACT, AND TO REQUIRE THAT HEALTH CARE FACILITIES VERIFY THE LICENSURE STATUS OF APPLICANTS SEEKING EMPLOYMENT AS NURSES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (50-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 620 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL PURCHASING FLEXIBILITY AND TO ENCOURAGE THEM TO USE THE NC E-PROCUREMENT SERVICE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dalton, the Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 693 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING ENHANCED SENTENCES AS RECOMMENDED BY THE SENTENCING COMMISSION AND TO MAKE CONFORMING CHANGES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Thomas, the Senate fails to concur in the House Committee Substitute bill (0-49).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

H.B. 1093, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE NORTH CAROLINA INSURANCE GUARANTY ASSOCIATION ACT, temporarily displaced earlier.

Upon motion of Senator Soles, the bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, May 29.

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 Bingham for the **Health and Human Resources Committee**:

H.B. 478 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE NORTH CAROLINA CHILD ALERT NOTIFICATION (NC CAN) SYSTEM AND TO RENAME THAT SYSTEM THE AMBER ALERT SYSTEM, 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 45150, is adopted and engrossed.

By Senator Kerr for the **Finance Committee**:

S.B. 236, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DIVIDEND RECEIVED DEDUCTION FOR REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS TO ENSURE THAT ALL DIVIDENDS ARE TREATED UNIFORMLY, TO EXTEND FOR TWO YEARS THE DEPARTMENT OF REVENUE'S AUTHORITY TO OUTSOURCE THE COLLECTION OF IN-STATE TAX DEBTS, AND TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

May 28, 2003

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75249, which changes the title to read **S.B. 236** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE DIVIDEND RECEIVED DEDUCTION FOR REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS TO ENSURE THAT ALL DIVIDENDS ARE TREATED UNIFORMLY, TO EXTEND FOR TWO YEARS THE DEPARTMENT OF REVENUE'S AUTHORITY TO OUTSOURCE THE COLLECTION OF IN-STATE TAX DEBTS, TO AMEND THE MOTOR FUEL TAX LAWS, AND TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS, is adopted and engrossed.

S.B. 800, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM FEES THAT THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS MAY ASSESS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40053, which changes the title to read **S.B. 800** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM FEES THAT THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS MAY ASSESS AND MAKE CHANGES TO THE MASSAGE AND BODYWORK THERAPY LAWS, is adopted and engrossed.

S.B. 939, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SURCHARGE FOR THE TELECOMMUNICATIONS RELAY SERVICE TO INCLUDE WIRELESS COMMUNICATIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85248, is adopted and engrossed.

S.B. 89 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LAKE LURE MARINE COMMISSION, 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, 75250, is adopted and engrossed.

S.B. 655 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE DEFINITION OF LOCKSMITH SERVICES UNDER THE LOCKSMITH LICENSING ACT, TO AMEND THE POWERS OF THE NORTH CAROLINA LOCKSMITH LICENSING BOARD TO ALLOW THE BOARD TO EMPLOY AN ATTORNEY AND HAVE CONDUCTED CRIMINAL HISTORY RECORD CHECKS ON APPLICANTS, TO AMEND THE LOCKSMITH LICENSING ACT TO ALLOW THE BOARD TO REGULATE APPRENTICE LOCKSMITHS AND COLLECT FEES, TO CLARIFY THE EXEMPTION FOR TOWING SERVICES UNDER THE ACT, AND TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS OF APPLICANTS FOR LICENSURE OR APPRENTICE DESIGNATION AS A LOCKSMITH, 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, 40054, is adopted and engrossed.

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 Moore, Jenkins; Albertson, Carpenter, Carrington, Dannelly, Dorsett, Forrester, Garwood, Hagan, Holloman, Horton, Hoyle, Kerr, Malone, Queen, Sloan, Soles, Swindell, Thomas and Weinstein:

S.J.R. 1023, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDWARD NELSON WARREN, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Referred to **Rules and Operations of the Senate Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives
May 28, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for HB 907, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE COUNCIL FOR THE DEAF AND THE HARD OF HEARING, TO INCREASE THE MEMBERS ON THE COUNCIL, AND TO CHANGE THE APPOINTING AUTHORITY FOR TWO OF THE MEMBERS APPOINTED TO THE COUNCIL, and requests conferees.

Speaker Black has appointed:

Representative Alexander, Chair
Representative Insko,
Representative Jeffus,
Representative Justus,
Representative England, and
Representative Munford

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

May 28, 2003

House of Representatives
May 28, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for HB 283, A BILL TO BE ENTITLED AN ACT TO REQUIRE REAL PROPERTY WARRANTY COMPANIES TO CARRY CONTRACTUAL LIABILITY POLICIES; ESTABLISH GREATER UNIFORMITY AND FLEXIBILITY FOR REQUIREMENTS IMPOSED UPON SERVICE AGREEMENT COMPANIES AND PERSONS THAT ISSUE WARRANTIES UNDER ARTICLE 1 OF CHAPTER 58; EXPAND THE DEFINITION OF HOME APPLIANCE WITHIN THE HOME APPLIANCE SERVICE AGREEMENT COMPANIES STATUTE; ENHANCE ENFORCEMENT OF ARTICLE 1 OF CHAPTER 58; REQUIRE MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES TO USE A SPECIFIC FORMAT ON ALL WRITTEN MATERIALS SUBMITTED; MANDATE ALL REQUIRED INSURER SUBMISSIONS TO THE DEPARTMENT OF INSURANCE TO BE IN A SPECIFIC FORMAT IF IN WRITING; DEFINE MECHANICAL BREAKDOWN SERVICE AGREEMENTS AND REQUIRE ALL MECHANICAL BREAKDOWN SERVICE AGREEMENT COMPANIES TO COMPLY WITH ARTICLE 1 OF CHAPTER 58 OF THE GENERAL STATUTES AND WITH THE RULES REGARDING MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES; PROVIDE THAT A BAD CHECK CONSTITUTES GROUNDS FOR TERMINATION OF A MOTOR VEHICLE LIABILITY INSURANCE POLICY; AND AUTHORIZE THE ISSUANCE OF LIMITED LICENSES FOR THE SALE OF INSURANCE COVERAGE ON PERSONAL PROPERTY STORED IN SELF-SERVICE STORAGE UNITS, and requests conferees.

Speaker Black has appointed:

Representative Nye, Chair
Representative Holliman, and
Representative Setzer

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 124 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT THE CITY OF LUMBERTON FROM CERTAIN STATUTORY

REQUIREMENTS RELATING TO THE CONSTRUCTION OF BUILDINGS TO BE USED BY INDUSTRIES LOCATING TO THE CITY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 29.

Upon motion of Senator Basnight, seconded by Senator Hoyle, the Senate adjourns at 3:28 P.M. to meet tomorrow, Thursday, May 29, at 11:00 A.M.

SEVENTIETH DAY

Senate Chamber
Thursday, May 29, 2003

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"God, you are a God of grace and wisdom. In our world today, communication is often shouted out through angry protests and demonstrations.

"We are reminded through your word that such harsh words are stirred up and stir up anger, but you have said a soft answer turns away wrath.

"We can't learn from each other while shouting at the top of our voices. Help us this day to speak quietly enough so that our words can be heard as well as our voices. In your Holy Name we pray, Amen."

The Chair grants leaves of absence for today to Senator Ballantine, Senator Reeves and Senator Sloan.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, 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. Michael S. Lancaster from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Bruce Monks from Ronda, 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. 93, AN ACT TO AMEND THE DEFINITION OF SPECIAL PROBATION TO REMOVE THE SIX-MONTH LIMITATION ON THE PERIOD OF IMPRISONMENT.

May 29, 2003

S.B. 519, AN ACT TO AMEND THE LAW REGARDING THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN.

S.B. 522, AN ACT TO CHANGE THE METHOD BY WHICH CERTAIN MEMBERS ON THE NORTH CAROLINA BOARD OF NURSING ARE ELECTED OR APPOINTED, TO MAKE TECHNICAL CHANGES TO THE NURSING PRACTICE ACT, AND TO REQUIRE THAT HEALTH CARE FACILITIES VERIFY THE LICENSURE STATUS OF APPLICANTS SEEKING EMPLOYMENT AS NURSES.

S.B. 620, AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL PURCHASING FLEXIBILITY AND TO ENCOURAGE THEM TO USE THE NC E-PROCUREMENT SERVICE.

S.B. 959, AN ACT TO AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO ADOPT RULES REGARDING MONITORING OF COASTAL RECREATION WATERS IN ORDER TO IMPLEMENT THE FEDERAL BEACHES ENVIRONMENTAL ASSESSMENT AND COASTAL HEALTH ACT OF 2000.

S.B. 962, AN ACT TO REQUIRE BAIL BONDSMEN TO SUBMIT AFFIDAVITS STATING THAT THERE ARE NO PREMIUMS OWED TO FORMER INSURERS AND THAT ALL FORFEITURES OR JUDGMENTS ARE SATISFIED OR DISCHARGED.

H.B. 55, AN ACT TO AUTHORIZE FIRE DEPARTMENTS TO HONOR RETIRING OR DECEASED FIREFIGHTERS BY AWARDING THEIR FIRE HELMETS TO THEM OR TO A SURVIVING RELATIVE.

H.B. 352, AN ACT TO AMEND THE LAW REGARDING DRUG SCREENING AND ASSESSMENT OF A CRIMINAL DEFENDANT FOR CHEMICAL DEPENDENCY, AS RECOMMENDED BY THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION.

H.B. 358, AN ACT TO INCREASE THE DAMAGE AMOUNTS ON DEFINED MOTOR VEHICLE ACCIDENTS.

H.B. 560, AN ACT TO DISAPPROVE THE ADMINISTRATIVE RULES GOVERNING LIFE INSURANCE REPLACEMENT.

H.B. 821, AN ACT TO SIMPLIFY THE PROCESS OF FILLING A VACANCY ON A PARTY TICKET.

H.B. 829, AN ACT TO ADOPT THE NAIC MODEL STANDARD NONFORFEITURE LAW FOR INDIVIDUAL DEFERRED ANNUITIES.

H.B. 864, AN ACT INCREASING THE EFFICIENCY OF GUARANTEED ENERGY SAVINGS CONTRACTS FOR STATE GOVERNMENTAL UNITS.

H.B. 900, AN ACT MODIFYING THE DEFINITION OF "RESTAURANT" FOR ABC PERMITS.

H.B. 978, AN ACT ALLOWING THE NORTH CAROLINA VETERINARY MEDICAL BOARD TO ENTER INTO AGREEMENTS WITH ORGANIZATIONS THAT HAVE DEVELOPED PROGRAMS FOR IMPAIRED VETERINARY PERSONNEL.

H.B. 1048, AN ACT TO MAKE REVISIONS TO THE JUVENILE CODE AS RECOMMENDED BY THE NORTH CAROLINA JUVENILE COURT IMPROVEMENT PROJECT.

H.B. 1175, AN ACT ALLOWING FAIR HOUSING ORGANIZATIONS TO FILE COMPLAINTS WITH THE STATE HUMAN RELATIONS COMMISSION.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 181, AN ACT AUTHORIZING THE TOWN OF APEX TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS, AND TO ADOPT ORDINANCES REGULATING DEMOLITION OF HISTORIC STRUCTURES IN THE APEX HISTORIC DISTRICT.

S.B. 288, AN ACT TO AUTHORIZE POLK COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS BOARD OF EDUCATION.

H.B. 63, AN ACT TO REPEAL A LOCAL ACT AND TO PROVIDE THAT VACANCIES IN THE OFFICE OF SHERIFF OF RICHMOND COUNTY WILL BE FILLED IN ACCORDANCE WITH G.S. 162-5.1.

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. 68, AN ACT TO AUTHORIZE THE TOWN OF SPRING LAKE AND THE CITY OF NEWTON TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS. (Became law upon ratification, May 28, 2003—S.L. 2003-86.)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 842 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A SYSTEM FOR ALL NORTH CAROLINA ELECTIONS THAT COMPLIES WITH THE HELP AMERICA VOTE ACT AND TO HELP PREVENT DUPLICATE NAMES ON JURY LISTS.

May 29, 2003

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 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**:

H.B. 869, A BILL TO BE ENTITLED AN ACT TO ADVANCE THE DATE FOR REPORTING MAILED ABSENTEE AND ONE-STOP VOTES BY PRECINCT FROM 2006 TO 2004 FOR THOSE COUNTIES CAPABLE OF DOING SO, with a favorable report.

CALENDAR *(continued)*

S.B. 655 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE DEFINITION OF LOCKSMITH SERVICES UNDER THE LOCKSMITH LICENSING ACT, TO AMEND THE POWERS OF THE NORTH CAROLINA LOCKSMITH LICENSING BOARD TO ALLOW THE BOARD TO EMPLOY AN ATTORNEY AND HAVE CONDUCTED CRIMINAL HISTORY RECORD CHECKS ON APPLICANTS, TO AMEND THE LOCKSMITH LICENSING ACT TO ALLOW THE BOARD TO REGULATE APPRENTICE LOCKSMITHS AND COLLECT FEES, TO CLARIFY THE EXEMPTION FOR TOWING SERVICES UNDER THE ACT, AND TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS OF APPLICANTS FOR LICENSURE OR APPRENTICE DESIGNATION AS A LOCKSMITH.

Upon motion of Senator Rand, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 3.

WITHDRAWAL FROM COMMITTEE

S.B. 287, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF MILLS RIVER, referred to the **Rules and Operations of the Senate Committee** on March 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

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 Hartsell for the **Judiciary II Committee**:

H.B. 304 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DEFENDANT CONVICTED OF MISDEMEANOR STALKING WHO IS SENTENCED TO A COMMUNITY PUNISHMENT SHALL BE PLACED ON SUPERVISED PROBATION IN ADDITION TO ANY OTHER PUNISHMENT IMPOSED BY THE COURT, with a favorable report.

Upon motion of Senator Hartsell, the Committee Substitute bill is placed on the Calendar for Tuesday, June 3.

CALENDAR *(continued)*

S.B. 939 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SURCHARGE FOR THE TELECOMMUNICATIONS RELAY SERVICE TO INCLUDE WIRELESS COMMUNICATIONS.

Upon motion of Senator Kerr, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 3, upon second 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 Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

H.B. 483, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE ABRIGATION OF OFFENSIVE PLACE-NAMES THROUGHOUT 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 60360, is adopted and engrossed.

Upon motion of Senator Kinnaird, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, June 3.

H.B. 818 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE EFFECTIVE DATE OF THE ACT PROVIDING FOR THE REMOVAL OF DD FORMS 214 AND OTHER MILITARY RECORDS FROM CERTAIN PUBLIC RECORDS, 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 60361, which changes the title to read **H.B. 818** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE SAFEKEEPING OF MILITARY DISCHARGE DOCUMENTS AND TO PREVENT DISCLOSURE TO UNAUTHORIZED PARTIES, is adopted and engrossed.

Upon motion of Senator Kinnaird, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, June 3.

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CALENDAR (*continued*)

S.B. 76 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF MISENHEIMER, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—46.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 89, A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT APPLYING TO FORSYTH COUNTY CONCERNING FIRE AND RESCUE DISTRICTS, SO THE GENERAL LAW WILL APPLY, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—46.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 2, upon third reading.

H.B. 351, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF SALISBURY TO ADOPT AND ENFORCE ORDINANCES RELATING TO PARKING, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—46.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 2, upon third reading.

H.B. 13, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN TRANSYLVANIA COUNTY AND TO REQUIRE WRITTEN PERMISSION BEFORE HUNTING ON THE LAND OF ANOTHER IN TRANSYLVANIA COUNTY.

The bill passes its second and third readings and is ordered enrolled.

H.B. 153, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS

OF THE CITY'S GARBAGE AND TRASH ORDINANCE, AUTHORIZING THE CITY TO TAKE REMEDIAL ACTION REGARDING THE GARBAGE AND TRASH ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR, AND CLARIFYING THE LANGUAGE AS TO WHAT CONSTITUTES A CHRONIC VIOLATOR UNDER THE CITY'S CURRENT ORDINANCE REGARDING OVERGROWN VEGETATION.

The bill passes its second and third readings and is ordered enrolled.

H.B. 187, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DISTRIBUTION OF THE PROCEEDS FROM THE TOWN OF NORWOOD AND CITY OF ALBEMARLE ABC SYSTEMS SHALL BE IN ACCORDANCE WITH GENERAL LAW.

The bill passes its second and third readings and is ordered enrolled.

H.B. 197 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE BLADEN COUNTY BOARD OF EDUCATION TO DISPOSE OF CERTAIN PROPERTY AT PRIVATE SALE.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 214 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING THE TAX COLLECTOR OF MADISON COUNTY AN APPOINTED OFFICE RATHER THAN AN ELECTED OFFICE.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 295 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF BEECH MOUNTAIN TO REGULATE GOLF CARTS AND UTILITY VEHICLES.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 396 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE EDGECOMBE COUNTY SCHOOL SYSTEM.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 499 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF LANDIS TO EXTEND THE MAYOR'S AND ALDERMEN'S TERMS OF OFFICE FROM TWO TO FOUR YEARS.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 582 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CLAY COUNTY TO ENGAGE IN JOINT DEVELOPMENT ACTIVITIES WITH A CONTIGUOUS COUNTY IN AN ADJOINING STATE.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

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S.B. 124 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT THE CITY OF LUMBERTON FROM CERTAIN STATUTORY REQUIREMENTS RELATING TO THE CONSTRUCTION OF BUILDINGS TO BE USED BY INDUSTRIES LOCATING TO THE CITY, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled.

S.B. 97 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—46.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 725 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PERMIT CITIES AND COUNTIES TO INCUR OBLIGATIONS TO FINANCE THE PUBLIC PORTION OF CERTAIN ECONOMIC DEVELOPMENT PROJECTS, as amended upon second reading, upon third reading.

Senator Brock announces a pair vote. If Senator Sloan were present, he would vote "aye"; Senator Brock votes "no".

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 43, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—43.

Voting in the negative: Senators Gulley and Webster—2.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 236 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE DIVIDEND RECEIVED DEDUCTION FOR REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS TO ENSURE THAT ALL DIVIDENDS ARE TREATED UNIFORMLY, TO EXTEND FOR TWO YEARS THE DEPARTMENT OF REVENUE'S AUTHORITY TO OUTSOURCE THE COLLECTION OF IN-STATE TAX DEBTS, TO AMEND THE MOTOR FUEL TAX LAWS, AND TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—46.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, June 2, upon third reading.

S.B. 89 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LAKE LURE MARINE COMMISSION.

The Committee Substitute bill No. 2 passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 800 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM FEES THAT THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS MAY ASSESS AND MAKE CHANGES TO THE MASSAGE AND BODYWORK THERAPY LAWS.

The Committee Substitute bill passes its second reading (46-0).

Senator Horton objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, June 2.

WITHDRAWAL FROM COMMITTEE

S.B. 33 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE RECIPROCAL CONCEALED HANDGUN RIGHTS TO CONCEALED HANDGUN PERMIT HOLDERS OF OTHER STATES, referred to the **Judiciary I Committee** on May 15.

Pursuant to Rule 47(a), Senator Rand offers a motion that the House Committee Substitute bill be withdrawn from the **Judiciary I Committee** and placed on the Calendar for Tuesday, June 3, 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 Tuesday, June 3.

APPOINTMENT OF CONFERENCE COMMITTEES

H.B. 283 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE REAL PROPERTY WARRANTY COMPANIES TO CARRY CONTRACTUAL LIABILITY POLICIES; ESTABLISH GREATER UNIFORMITY AND FLEXIBILITY FOR REQUIREMENTS IMPOSED UPON SERVICE AGREEMENT COMPANIES AND PERSONS THAT ISSUE WARRANTIES UNDER ARTICLE 1 OF CHAPTER 58; EXPAND THE DEFINITION OF HOME APPLIANCE WITHIN THE HOME APPLIANCE SERVICE AGREEMENT COMPANIES STATUTE; ENHANCE ENFORCEMENT OF ARTICLE 1 OF CHAPTER 58; REQUIRE MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES TO USE A SPECIFIC

FORMAT ON ALL WRITTEN MATERIALS SUBMITTED; MANDATE ALL REQUIRED INSURER SUBMISSIONS TO THE DEPARTMENT OF INSURANCE TO BE IN A SPECIFIC FORMAT IF IN WRITING; DEFINE MECHANICAL BREAKDOWN SERVICE AGREEMENTS AND REQUIRE ALL MECHANICAL BREAKDOWN SERVICE AGREEMENT COMPANIES TO COMPLY WITH ARTICLE 1 OF CHAPTER 58 OF THE GENERAL STATUTES AND WITH THE RULES REGARDING MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES; PROVIDE THAT A BAD CHECK CONSTITUTES GROUNDS FOR TERMINATION OF A MOTOR VEHICLE LIABILITY INSURANCE POLICY; AND AUTHORIZE THE ISSUANCE OF LIMITED LICENSES FOR THE SALE OF INSURANCE COVERAGE ON PERSONAL PROPERTY STORED IN SELF-SERVICE STORAGE UNITS.

Pursuant to the message received from the House of Representatives on May 28 that the House fails to concur in the Senate Committee Substitute bill for H.B. 283 and requests conferees, the President *Pro Tempore* appoints Senator Soles, Chair, and Senator Hoyle and Senator Carpenter as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 745 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP OF THE NORTH CAROLINA INDIAN CULTURAL CENTER BOARD.

Pursuant to the message received from the House of Representatives on May 27 that the House fails to concur in the Senate Committee Substitute bill for H.B. 745 and requests conferees, the President *Pro Tempore* appoints Senator Kinnaird, Chair; and Senator Dorsett; Senator Stevens; and Senator Weinstein as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 907 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE COUNCIL FOR THE DEAF AND THE HARD OF HEARING, TO INCREASE THE MEMBERS ON THE COUNCIL, AND TO CHANGE THE APPOINTING AUTHORITY FOR TWO OF THE MEMBERS APPOINTED TO THE COUNCIL.

Pursuant to the message received from the House of Representatives on May 28 that the House fails to concur in the Senate Committee Substitute bill for H.B. 907 and requests conferees, the President *Pro Tempore* appoints Senator Dannelly, Chair; Senator Forrester; Senator Kinnaird; Senator Lucas; Senator Purcell; and Senator Rand as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 693 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING ENHANCED SENTENCES AS RECOMMENDED BY THE SENTENCING COMMISSION AND TO MAKE CONFORMING CHANGES.

Pursuant to the Senate having failed to concur in the House Committee Substitute

bill for S.B. 693 on May 28, and the motion by Senator Thomas to appoint conferees having prevailed, the President *Pro Tempore* appoints Senator Thomas, Chair, and Senator Hartsell and Senator Moore 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*)

H.B. 201 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A REVIEW PROCEDURE TO ENSURE THAT CANDIDATES' NAMES APPEAR ON THE BALLOT IN ACCORDANCE WITH LAW.

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.

H.B. 276 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE SUBSTANTIVE AND TECHNICAL AMENDMENTS IN THE LAWS CONCERNING INSURANCE COMPANY SOLVENCY AND TO PROHIBIT OFFICERS AND EMPLOYEES OF THE STATE AND ITS POLITICAL SUBDIVISIONS FROM REQUIRING CONSTRUCTION CONTRACT BIDDERS TO OBTAIN SURETY BONDS FROM SURETIES OR PRODUCERS DESIGNATED BY THE OFFICERS AND EMPLOYEES.

Senator Soles offers Amendment No. 1 which is adopted (46-0).

The Senate Committee Substitute bill, as amended, passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 344 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE MOTOR FLEET MANAGEMENT DIVISION TO USE BEST MANAGEMENT PRACTICES IN OPERATING THE CENTRAL MOTOR POOL, TO USE A FORMULA TO DETERMINE THE MOST COST-EFFECTIVE REPLACEMENT OF VEHICLES, AND TO REPORT SEMIANNUALLY TO THE GENERAL ASSEMBLY ON THE COST SAVINGS RESULTING FROM USE OF THE FORMULA.

The Committee Substitute bill passes its second (45-1) and third readings and is ordered enrolled and sent to the Governor.

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. 357 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT A PERSON THAT ACCEPTS CREDIT, CHARGE, OR DEBIT CARDS FOR THE TRANSACTION OF BUSINESS FROM PRINTING MORE THAN FIVE DIGITS OF A CREDIT, CHARGE, OR DEBIT CARD ACCOUNT NUMBER OR AN EXPIRATION DATE ON A SALES RECEIPT AND TO PROHIBIT A PERSON FROM SELLING A CASH REGISTER OR OTHER MACHINE OR DEVICE THAT ELECTRONICALLY PRINTS RECEIPTS OF

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CREDIT, CHARGE, OR DEBIT CARD TRANSACTIONS THAT CANNOT BE PROGRAMMED OR OPERATED TO PRODUCE A RECEIPT WITH FIVE OR FEWER DIGITS OF THE CREDIT, CHARGE, OR DEBIT CARD ACCOUNT NUMBER AND NO EXPIRATION DATE PRINTED ON THE RECEIPT.

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.

H.B. 478 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE NORTH CAROLINA CHILD ALERT NOTIFICATION (NC CAN) SYSTEM AND TO RENAME THAT SYSTEM THE AMBER ALERT SYSTEM.

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.

H.B. 1093, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE NORTH CAROLINA INSURANCE GUARANTY ASSOCIATION ACT.

Senator Soles offers Amendment No. 1 which is adopted (46-0).

The bill, as amended, passes its second (46-0) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 90 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW SANITARY DISTRICT BOARDS TO SET COMPENSATION FOR ITS MEMBERS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 3.

S.B. 388 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE NORTH CAROLINA GENERAL STATUTES IN RESPONSE TO RECENT MEDICAL ADVANCES IN SCREENING FOR THE EARLY DETECTION OF CERVICAL CANCER, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 3.

S.B. 708 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CRIMINAL BACKGROUND CHECKS ON PROSPECTIVE MEMBERS OF FIRE DEPARTMENTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 3.

S.B. 840 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT FOLKMOOT USA AS NORTH CAROLINA'S OFFICIAL INTERNATIONAL FESTIVAL AND ADOPTING THE CAROLINA LILY AS THE OFFICIAL WILDFLOWER OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 3.

S.B. 877 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE PENALTIES FOR VIOLATIONS OF THE CHILD CARE FACILITIES ACT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 3.

H.B. 705, A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE TOWN OF MATTHEWS ALL THE TERRITORY REMAINING IN ITS SPHERE OF INFLUENCE.

Referred to **Finance Committee**.

H.B. 1118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE SIGNS TO BE POSTED WARNING OF THE POSSIBLE DANGERS OF CONSUMPTION OF ALCOHOL DURING PREGNANCY.

Referred to **Health and Human Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 1260, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM FEES THAT THE BOARD OF EXAMINERS FOR SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS MAY ASSESS FOR CERTAIN FEES.

Referred to **Finance Committee**.

ADDITIONAL SPONSOR

Senator Berger requests to be added as a sponsor of previously introduced legislation:

S.J.R. 1023, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDWARD NELSON WARREN, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Upon motion of Senator Dannelly, seconded by Senator Queen, the Senate adjourns at 12:03 P.M. to meet Monday, June 2, at 7:00 P.M.

SEVENTY-FIRST DAY

Senate Chamber
Monday, June 2, 2003

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:

"When we are serious about our praying, sometimes we end up in uncomfortable situations. In response to our prayers, you ask us to speak a kind word to someone who hasn't acted kindly toward us, or to give when we haven't received, or to forgive

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one who seems unforgivable.

"Lord, one of the problems we have with praying is that you always get too personal, but we keep praying because being so personal is one of the greatest joys we can experience

"We listen for your voice this week when you call us by name. Amen."

The Chair grants leaves of absence for tonight to Senator Allran, Senator Carpenter, Senator Carrington, Senator Garrou, Senator Kerr and Senator Kinnaird.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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. Lawrence M. Cutchin from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Sandra Hicks from Greensboro, 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. 344, AN ACT REQUIRING THE MOTOR FLEET MANAGEMENT DIVISION TO USE BEST MANAGEMENT PRACTICES IN OPERATING THE CENTRAL MOTOR POOL, TO USE A FORMULA TO DETERMINE THE MOST COST-EFFECTIVE REPLACEMENT OF VEHICLES, AND TO REPORT SEMIANNUALLY TO THE GENERAL ASSEMBLY ON THE COST SAVINGS RESULTING FROM USE OF THE FORMULA.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 124, AN ACT TO EXEMPT THE CITY OF LUMBERTON FROM CERTAIN STATUTORY REQUIREMENTS RELATING TO THE CONSTRUCTION OF BUILDINGS TO BE USED BY INDUSTRIES LOCATING TO THE CITY.

H.B. 13, AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN TRANSYLVANIA COUNTY AND TO REQUIRE WRITTEN PERMISSION BEFORE HUNTING ON THE LAND OF ANOTHER IN TRANSYLVANIA COUNTY.

H.B. 153, AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S GARBAGE AND TRASH ORDINANCE, AUTHORIZING THE CITY TO TAKE REMEDIAL ACTION REGARDING THE GARBAGE AND TRASH ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR, AND CLARIFYING THE LANGUAGE AS TO WHAT CONSTITUTES A CHRONIC

VIOLATOR UNDER THE CITY'S CURRENT ORDINANCE REGARDING OVERGROWN VEGETATION.

H.B. 187, AN ACT TO PROVIDE THAT THE DISTRIBUTION OF THE PROCEEDS FROM THE TOWN OF NORWOOD AND CITY OF ALBEMARLE ABC SYSTEMS SHALL BE IN ACCORDANCE WITH GENERAL LAW.

H.B. 197, AN ACT TO ALLOW THE BLADEN COUNTY BOARD OF EDUCATION TO DISPOSE OF CERTAIN PROPERTY AT PRIVATE SALE.

H.B. 214, AN ACT MAKING THE TAX COLLECTOR OF MADISON COUNTY AN APPOINTED OFFICE RATHER THAN AN ELECTED OFFICE.

H.B. 295, AN ACT TO AUTHORIZE THE TOWN OF BEECH MOUNTAIN TO REGULATE GOLF CARTS AND UTILITY VEHICLES.

H.B. 396, AN ACT TO CHANGE THE NAME OF THE EDGEcombe COUNTY SCHOOL SYSTEM.

H.B. 499, AN ACT AMENDING THE CHARTER OF THE TOWN OF LANDIS TO EXTEND THE MAYOR'S AND ALDERMEN'S TERMS OF OFFICE FROM TWO TO FOUR YEARS.

H.B. 582, AN ACT AUTHORIZING CLAY COUNTY TO ENGAGE IN JOINT DEVELOPMENT ACTIVITIES WITH A CONTIGUOUS COUNTY IN AN ADJOINING STATE.

H.B. 679, AN ACT AUTHORIZING THE CITY OF RALEIGH 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, AND TO ALLOW WAKE COUNTY AND THE TOWN OF RUTHERFORDTON TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT.

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. 355, AN ACT TO OFFICIALLY DESIGNATE THE INDIANS PREVIOUSLY RECOGNIZED IN THE GENERAL STATUTES AS THE INDIANS OF PERSON COUNTY AS SAPPONY. (Became law upon approval of the Governor, May 29, 2003--S.L. 2003-87.)

S.B. 181, AN ACT AUTHORIZING THE TOWN OF APEX TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS, AND TO ADOPT ORDINANCES REGULATING DEMOLITION OF HISTORIC STRUCTURES IN

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THE APEX HISTORIC DISTRICT. (Became law upon ratification, May, 29, 2003–S.L. 2003-88.)

S.B. 288, AN ACT TO AUTHORIZE POLK COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS BOARD OF EDUCATION. (Became law upon ratification, May 29, 2003–S.L. 2003-89.)

H.B. 63, AN ACT TO REPEAL A LOCAL ACT AND TO PROVIDE THAT VACANCIES IN THE OFFICE OF SHERIFF OF RICHMOND COUNTY WILL BE FILLED IN ACCORDANCE WITH G.S. 162-5.1. (Became law upon ratification, May 29, 2003–S.L. 2003-90.)

S.B. 814, AN ACT TO CLARIFY THE LAW REGARDING COMPETITIVE AND DEREGULATED OFFERINGS OF TELECOMMUNICATIONS SERVICES. (Became law upon approval of the Governor, May 30, 2003–S.L. 2003-91.)

S.B. 979, AN ACT TO AMEND THE PROCESS BY WHICH A MEMBER OF THE GENERAL ASSEMBLY IS APPOINTED TO THE ATLANTIC STATES MARINE FISHERIES COMMISSION AND TO MAKE TECHNICAL, CLARIFYING, AND CONFORMING CHANGES. (Became law upon approval of the Governor, May 30, 2003–S.L. 2003-92.)

S.B. 468, AN ACT TO CLARIFY THE LAW GOVERNING THE MODIFICATION AND TERMINATION OF IRREVOCABLE TRUSTS. (Became law upon approval of the Governor, May 30, 2003–S.L. 2003-93.)

S.B. 517, AN ACT TO REDUCE THE MINIMUM MEMBERSHIP OF THE GLOBAL TRANSPARK DEVELOPMENT COMMISSION, ALSO CALLED THE EASTERN REGION COMMISSION. (Became law upon approval of the Governor, May 30, 2003–S.L. 2003-94.)

S.B. 449, AN ACT TO CLARIFY ADMISSIBLE EVIDENCE THAT THE PERSON WITHDRAWING BLOOD IN AN IMPAIRED DRIVING CASE IS A LICENSED PHYSICIAN, NURSE, OR AN OTHERWISE QUALIFIED PERSON. (Became law upon approval of the Governor, May 30, 2003–S.L. 2003-95.)

S.B. 245, AN ACT TO AUTHORIZE THE HUNTING OF COYOTES IN CONTROLLED HUNTING PRESERVES AND TO MAKE IT UNLAWFUL TO IMPORT LIVE COYOTES INTO THIS STATE. (Became law upon approval of the Governor, May 30, 2003–S.L. 2003-96.)

S.B. 323, AN ACT TO PROTECT THE IDENTITY OF A COMPLAINING PARTY AGAINST A LICENSEE OR AN UNLICENSED GENERAL CONTRACTOR BY THE LICENSING BOARD FOR GENERAL CONTRACTORS AND TO CLARIFY WHEN THE BOARD MAY SEEK INJUNCTIVE RELIEF. (Became law upon approval of the Governor, May 30, 2003–S.L. 2003-97.)

S.B. 555, AN ACT TO CLARIFY THAT IT IS A FELONY FOR A SCHOOL

SAFETY OFFICER TO HAVE SEXUAL CONTACT OR TAKE INDECENT LIBERTIES WITH A STUDENT. (Became law upon approval of the Governor, May 30, 2003--S.L. 2003-98.)

H.B. 913, AN ACT AUTHORIZING THE NORTH CAROLINA UTILITIES COMMISSION TO DETERMINE A TIME IN WHICH FINAL RULES CONCERNING THE DESIGNATION OF A UNIVERSAL SERVICE PROVIDER FOR TELEPHONE SERVICE SHALL BE ADOPTED. (Became law upon approval of the Governor, May 31, 2003--S.L. 2003-99.)

S.B. 825, AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO PROTECT CERTAIN REPTILES AND AMPHIBIANS THAT REQUIRE CONSERVATION MEASURES. (Became law upon approval of the Governor, May 31, 2003--S.L. 2003-100.)

H.B. 689, AN ACT CONFORMING RULE 103 OF THE NORTH CAROLINA RULES OF EVIDENCE TO THE CORRESPONDING FEDERAL RULE. (Became law upon approval of the Governor, May 31, 2003--S.L. 2003-101.)

S.B. 851, AN ACT TO PROVIDE THAT A PERSON MAY BE REAPPOINTED TO THE BOARD OF DIRECTORS OF THE ARBORETUM AFTER ONE YEAR'S ABSENCE FROM THE BOARD. (Became law upon approval of the Governor, May 31, 2003--S.L. 2003-102.)

S.B. 940, AN ACT TO PROVIDE JOB PROTECTION FOR VOLUNTEER FIREFIGHTERS, RESCUE SQUAD WORKERS, AND EMERGENCY MEDICAL SERVICES PERSONNEL CALLED INTO THE SERVICE OF THE STATE IN RESPONSE TO A PROCLAMATION OF A STATE OF DISASTER BY THE GOVERNOR OR THE GENERAL ASSEMBLY, OR IN RESPONSE TO AN EMERGENCY SITUATION RESULTING IN THE ACTIVATION OF THE STATE EMERGENCY RESPONSE TEAM. (Became law upon approval of the Governor, May 31, 2003--S.L. 2003-103.)

S.B. 619, AN ACT TO PROVIDE THAT A BLOOD ANALYSIS REPORT SENT DIRECTLY TO THE CLERK OF SUPERIOR COURT MAY BE USED AS THE BASIS FOR THE CIVIL REVOCATION OF A DRIVERS LICENSE. (Became law upon approval of the Governor, May 31, 2003--S.L. 2003-104.)

H.B. 744, AN ACT TO REQUIRE INSURERS TO INFORM COVERED PERSONS ABOUT ASSISTANCE AVAILABLE FROM THE MANAGED CARE PATIENT ASSISTANCE PROGRAM. (Became law upon approval of the Governor, May 31, 2003--S.L. 2003-105.)

H.B. 1078, AN ACT TO AUTHORIZE THE ADDITION OF MAYO RIVER STATE PARK TO THE STATE PARKS SYSTEM. (Became law upon approval of the Governor, May 31, 2003--S.L. 2003-106.)

S.B. 630, AN ACT TO CLARIFY THE DEFINITION OF A PROTECTIVE ORDER UNDER THE LAWS RELATING TO DOMESTIC VIOLENCE. (Became law upon approval of the Governor, May 31, 2003--S.L. 2003-107.)

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H.B. 1025, AN ACT TO AUTHORIZE THE ADDITION OF HAW RIVER STATE PARK TO THE STATE PARKS SYSTEM. (Became law upon approval of the Governor, May 31, 2003–S.L. 2003-108.)

H.B. 1177, AN ACT TO PROVIDE THAT PHYSICIANS IN GOOD STANDING TO PRACTICE MEDICINE IN ANOTHER STATE MAY PRACTICE MEDICINE OR SURGERY AT A CAMP FOR THERAPEUTIC RECREATION FOR INDIVIDUALS WITH CHRONIC ILLNESSES UNDER CERTAIN RESTRICTED CONDITIONS. (Became law upon approval of the Governor, May 31, 2003–S.L. 2003-109.)

H.B. 510, AN ACT TO INCLUDE A VIOLATION OF G.S. 20-123.2 AS A LESSER INCLUDED OFFENSE IN A SPEEDING VIOLATION. (Became law upon approval of the Governor, May 31, 2003–S.L. 2003-110.)

H.B. 1134, AN ACT TO EXTEND THE DEADLINE BY WHICH COASTAL HABITAT PROTECTION PLANS MUST BE ADOPTED. (Became law upon approval of the Governor, May 31, 2003–S.L. 2003-111.)

H.B. 22, AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE THE PORTION OF CONTRACT MAINTENANCE RESURFACING FUNDS ALLOCATED TO WIDENING EXISTING NARROW PAVEMENTS SCHEDULED FOR RESURFACING TO WIDEN ANY EXISTING NARROW PAVEMENTS AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO USE HIGHWAY TRUST FUND SECONDARY ROAD PAVING FUNDS ALLOCATED TO EACH COUNTY FOR THE ADDITIONAL PURPOSE OF SAFETY IMPROVEMENTS ON PAVED AND UNPAVED ROADS IN THE SAME COUNTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE. (Became law upon approval of the Governor, May 31, 2003–S.L. 2003-112.)

S.B. 559, AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAWS. (Became law upon approval of the Governor, May 31, 2003–S.L. 2003-113.)

S.B. 704, AN ACT TO ESTABLISH THE TRAUMATIC BRAIN INJURY ADVISORY COUNCIL. (Became law upon approval of the Governor, May 31, 2003–S.L. 2003-114.)

S.B. 471, AN ACT TO AMEND THE LAWS GOVERNING THE SELF-INSURANCE GUARANTY ASSOCIATION. (Became law upon approval of the Governor, June 1, 2003–S.L. 2003-115.)

S.B. 539, AN ACT AMENDING THE LAW GOVERNING THE LIMITED PRACTICE OF OUT-OF-STATE ATTORNEYS-AT-LAW AND THE OPERATION OF THE COUNCIL AND DISCIPLINARY HEARING COMMISSION OF THE NORTH CAROLINA STATE BAR. (Became law upon approval of the Governor, June 1, 2003–S.L. 2003-116.)

H.B. 462, AN ACT TO INCLUDE DULY LICENSED MARRIAGE AND FAMILY THERAPISTS UNDER THE INSURANCE 'FREEDOM OF CHOICE' LAW AND UNDER THE PROFESSIONAL CORPORATIONS ACT. (Became law upon approval of the Governor, June 1, 2003—S.L. 2003-117.)

REPORTS OF COMMITTEES

A joint resolution 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 Lucas for the **Education/Higher Education Committee**:

S.J.R. 365, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THREE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, 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 35289, which changes the title to read **S.J.R. 365** (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS OF ROBERT TOM SPEED, KATHY A. TAFT, AND JOHN A. TATE, III TO MEMBERSHIP ON THE STATE BOARD OF EDUCATION, is adopted and engrossed.

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

H.B. 869, A BILL TO BE ENTITLED AN ACT TO ADVANCE THE DATE FOR REPORTING MAILED ABSENTEE AND ONE-STOP VOTES BY PRECINCT FROM 2006 TO 2004 FOR THOSE COUNTIES CAPABLE OF DOING SO.

Upon motion of Senator Clodfelter, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, June 3.

H.B. 89, A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT APPLYING TO FORSYTH COUNTY CONCERNING FIRE AND RESCUE DISTRICTS, SO THE GENERAL LAW WILL APPLY, 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Fogg, Garwood, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—42.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 351, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF SALISBURY TO ADOPT AND ENFORCE ORDINANCES RELATING TO PARKING, upon third reading.

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The bill passes its third reading, by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garwood, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—42.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 236 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE DIVIDEND RECEIVED DEDUCTION FOR REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS TO ENSURE THAT ALL DIVIDENDS ARE TREATED UNIFORMLY, TO EXTEND FOR TWO YEARS THE DEPARTMENT OF REVENUE'S AUTHORITY TO OUTSOURCE THE COLLECTION OF IN-STATE TAX DEBTS, TO AMEND THE MOTOR FUEL TAX LAWS, AND TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS, 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garwood, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—42.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 800 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM FEES THAT THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS MAY ASSESS AND MAKE CHANGES TO THE MASSAGE AND BODYWORK THERAPY LAWS.

The Committee Substitute bill passes its third reading (42-0) and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

H.B. 281 (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, referred to the **Judiciary II Committee** on April 28.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute 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 Committee Substitute bill withdrawn from the **Judiciary II Committee** and re-refers the measure to the **Judiciary I Committee**.

S.B. 975 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ACCESSIBLE ELECTRONIC INFORMATION SERVICE FOR BLIND AND DISABLED PERSONS, referred to the **Finance Committee** on April 30.

Pursuant to Rule 47(a), Senator Hoyle offers a motion that the Committee Substitute bill be withdrawn from the **Finance Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Finance Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

House of Representatives
June 2, 2003

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for SB 693, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING ENHANCED SENTENCES AS RECOMMENDED BY THE SENTENCING COMMISSION AND TO MAKE CONFORMING CHANGES, and requests conferees, Speaker Morgan appoints:

Representative Munford, Chair
Representative Jeffus, and
Representative Stiller

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise Weeks
Principal Clerk

S.B. 38 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE DEPARTMENT OF TRANSPORTATION AS THE STATE AGENCY RESPONSIBLE FOR FIXED GUIDEWAY TRANSIT SAFETY, TO AMEND THE DEPARTMENT OF TRANSPORTATION LOGO SIGNS PROGRAM TO AUTHORIZE ATTRACTION LOGO SIGNS, TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ADOPT TEMPORARY RULES CONCERNING LOGO SIGNS, TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO AUTOMATE ITS 511 TRAVELER INFORMATION PHONE SYSTEM, AND TO REVISE THE LAW CONCERNING HIGH OCCUPANCY VEHICLE (HOV) LANES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, June 3.

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S.B. 394 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING A CLAIM FOR EQUITABLE DISTRIBUTION TO SURVIVE THE DEATH OF A SPOUSE WHEN THE PARTIES ARE LIVING SEPARATE AND APART AT THE TIME OF DEATH AND THE CLAIM IS TIMELY FILED, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, June 3.

S.B. 648 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN AD HOC CERVICAL CANCER ELIMINATION TASK FORCE TO THE ADVISORY COMMITTEE ON CANCER COORDINATION AND CONTROL, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, June 3.

H.B. 163 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF KINGS MOUNTAIN TO ANNEX CERTAIN PROPERTIES OWNED BY THE TOWN.

Referred to **Finance Committee**.

INTRODUCTION OF A RESOLUTION

Upon motion of Senator Rand, the Rules are suspended and 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. 1024, A JOINT RESOLUTION COMMEMORATING THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM ON THE OCCASION OF ITS FORTIETH ANNIVERSARY AND HONORING THOSE WHO HELPED CREATE THE COMMUNITY COLLEGE SYSTEM.

The joint resolution is placed on the Calendar for tomorrow, Tuesday, June 3.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Cameron S. Barr, Lexington; Rachel Meredith Boyette, Raleigh; Ruth Elizabeth Brim, Asheboro; Stephanie Carrier, Raleigh; Anna Frances Compton, Goldsboro; Laura Kathleen Cowan, Raleigh; Nathan Grey Diefes, Whiteville; Hanna Grantham, Goldsboro; Paul Gulley, Durham; Sarah Harrison, Plymouth; Ambria Jenkins, Raleigh; Clark Leonard, Garner; Brian Thomas Lewis, Durham; Kristen Lovin, Concord; Chelsea M. Pope, Crouse; Hayley Julia Potter, Raleigh; Ian Randall Presley, Southern Pines; Susan L. Radcliff, Belhaven; Craig Rawe, Gastonia; Claire Conner Sauls, Goldsboro; Alex Terry, Pinehurst; David Brent Wright, Jr., Elizabeth City

Upon motion of Senator Basnight, seconded by Senator Gulley, the Senate adjourns at 7:27 P.M. to meet tomorrow, Tuesday, June 3, at 2:00 P.M.

SEVENTY SECOND DAY

Senate Chamber
Tuesday, June 3, 2003

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, it is often easier for us to trust our minds than our hearts. Sometimes we believe only what our eyes let us see. But in the important matters before this body, we know the Senators must use their intellect but may they also act on what they feel to be important and right. Most of us don't have a burning bush experience like Moses because faith most often relies more on revocation than observation. Amen."

*Part of this prayer is from Wice Willimon in Pulpit Resource

The Chair grants leaves of absence for today to Senator Allran, Senator Carpenter and Senator Queen.

Senator Basnight, President Pro Tempore, announces that the Journal of yesterday, Monday, June 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. Thomas J. Pulliam from Winston-Salem, North Carolina, who is serving the Senate as Doctor 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. 727, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT MEMBERS OF THE SOIL AND WATER CONSERVATION COMMISSION ARE AUTHORIZED TO HOLD OFFICE CONCURRENTLY WITH OTHER ELECTIVE OR APPOINTIVE OFFICES, with a favorable report.

By Senator Soles for the **Commerce Committee**:

H.B. 116 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING NOTICE OF TERMINATION OF FARM MACHINERY AGREEMENTS, with a favorable report.

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H.B. 1181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE REINSPECTION OF WORKPLACES WHERE WILLFUL SERIOUS VIOLATIONS HAVE BEEN FOUND, with a favorable report.

H.B. 1182 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE OCCUPATIONAL SAFETY AND HEALTH ACT AND TO ENHANCE THE PENALTY IF A WILLFUL VIOLATION OF THE ACT CAUSES AN EMPLOYEE'S DEATH, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 1201, A BILL TO BE ENTITLED AN ACT TO PROMOTE WATER CONSERVATION BY EXPANDING THE DEFINITION OF CONTIGUOUS PREMISES TO INCLUDE MANUFACTURED HOMES AND MANUFACTURED HOME PARKS, with a favorable report.

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 925, A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTY APPEAL IN JUVENILE "PAY ORDER" CASES, with a favorable report.

H.B. 637, A BILL TO BE ENTITLED AN ACT TO PERMIT THE SETTLOR OF A REVOCABLE TRUST TO RELIEVE THE TRUSTEE OF DUTIES, RESTRICTIONS, AND LIABILITIES IMPOSED BY THE UNIFORM TRUSTS 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 80322, is adopted and engrossed.

H.B. 656 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE TRUST ADMINISTRATION ACT AND TO MAKE RELATED CHANGES TO THE LAW GOVERNING ACCOUNTINGS IN TESTAMENTARY TRUSTS, 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 45152, is adopted and engrossed.

H.B. 963 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PERSONS CONVICTED OF LEAVING THE SCENE OF AN ACCIDENT INVOLVING INJURY OR DEATH SHALL LOSE THEIR LICENSE FOR A PERIOD OF TWO YEARS, 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 30355, which changes the title to read **H.B. 963** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PERSONS CONVICTED OF LEAVING THE SCENE OF AN ACCIDENT INVOLVING INJURY OR DEATH MAY LOSE THEIR LICENSE FOR A PERIOD OF TWO YEARS, is adopted and engrossed.

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 807 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN PROVISIONS OF THE LAW ESTABLISHING THE ELECTIVE SHARE OF A DECEDENT'S SURVIVING SPOUSE, 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 70331, is adopted and engrossed.

H.B. 916 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A VACCINATION PROGRAM FOR FIRST RESPONDERS TO TERRORIST INCIDENTS, CATASTROPHIC OR NATURAL DISASTERS, OR EMERGENCIES, 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 50289, is adopted and engrossed.

By Senator Reeves for the **Information Technology Committee**:

H.B. 941, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE ANALYSIS OF THE STATE'S LEGACY INFORMATION TECHNOLOGY SYSTEMS, with a favorable report.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

H.B. 818 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE SAFEKEEPING OF MILITARY DISCHARGE DOCUMENTS AND TO PREVENT DISCLOSURE TO UNAUTHORIZED PARTIES.

Upon motion of Senator Kinnaird, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **State Government, Local Government, and Veterans' Affairs Committee**.

S.B. 840 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT FOLKMOT USA AS NORTH CAROLINA'S OFFICIAL INTERNATIONAL FESTIVAL AND ADOPTING THE CAROLINA LILY AS THE OFFICIAL WILDFLOWER OF NORTH CAROLINA.

Upon motion of Senator Rand, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, June 4, for concurrence in the House Committee Substitute bill.

S.B. 939 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SURCHARGE FOR THE TELECOMMUNICATIONS RELAY SERVICE TO INCLUDE WIRELESS COMMUNICATIONS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 34, noes 13, as follows:

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Voting in the affirmative: Senators Albertson, Apodaca, Ballantine, Basnight, Blake, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Purcell, Rand, Reeves, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas and Weinstein—34.

Voting in the negative: Senators Berger, Bingham, Brock, Carrington, Foxx, Garwood, Horton, Moore, Pittenger, Rucho, Sloan, Tillman and Webster—13.

The Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, June 4, upon third reading.

PRIVILEGES OF THE FLOOR

The President extends privileges of the floor to State Treasurer Richard Moore.

CALENDAR *(continued)*

S.B. 655 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE DEFINITION OF LOCKSMITH SERVICES UNDER THE LOCKSMITH LICENSING ACT, TO AMEND THE POWERS OF THE NORTH CAROLINA LOCKSMITH LICENSING BOARD TO ALLOW THE BOARD TO EMPLOY AN ATTORNEY AND HAVE CONDUCTED CRIMINAL HISTORY RECORD CHECKS ON APPLICANTS, TO AMEND THE LOCKSMITH LICENSING ACT TO ALLOW THE BOARD TO REGULATE APPRENTICE LOCKSMITHS AND COLLECT FEES, TO CLARIFY THE EXEMPTION FOR TOWING SERVICES UNDER THE ACT, AND TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS OF APPLICANTS FOR LICENSURE OR APPRENTICE DESIGNATION AS A LOCKSMITH.

The Committee Substitute bill No. 2 passes its second reading (46-1).

Senator Smith objects to third reading of the measure. Pursuant to Rule 50, the President, orders the measure placed on the Calendar for tomorrow, Wednesday, June 4.

S.J.R. 1024, A JOINT RESOLUTION COMMEMORATING THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM ON THE OCCASION OF ITS FORTIETH ANNIVERSARY AND HONORING THOSE WHO HELPED CREATE THE COMMUNITY COLLEGE SYSTEM.

Upon motion of Senator Rand, the joint resolution is read in its entirety and, upon motion of Senator Apodaca, the remarks of the Senators, are spread upon the Journal, as follows:

Senator Rand:

"Thank you, Madame President. Ladies and gentlemen of the Senate, it is truly amazing to reflect on what we owe to Governor Sanford and the other members of the Legislature and the people across North Carolina who created what today is our Community College System. It is phenomenal. It is beyond our capacity to really think about the debt we owe. I know Senator Swindell is hugely proud of the fact that his father was a part of this. Anybody that had anything to do with this I'm sure would say that helping to create North Carolina's Community College System was probably the finest endeavor in which they ever participated. It would be hard to imagine North Carolina today without the fifty-nine Community Colleges across our

State and what they mean to the life and the economic well-being of the people in all one hundred counties of North Carolina. The great genius of this is that everybody has access to Community Colleges. They are within driving distance of every person in North Carolina. So, as we reflect upon today, the forty years that have gone by since this has happened and what it means, I'm sure it means different things to everyone of us, but I had the opportunity last week to attend the graduation at Fayetteville Technical Community College which is, of course, in my hometown. It was an absolutely wonderful experience for me to stand there. I shook hands with all nine-hundred and some of them and I'm still feeling the effects of that, but it was a very small price to pay for the opportunity to see the enthusiasm and, in some cases relief, I suppose, in finishing, but what that meant to the men and women gathered there as they finished a particular milestone on their educational experience. It was indeed a wonderful time for me and I'm most grateful that I had that opportunity to participate in it. North Carolina is a better place, our people are better educated, our workforce is better prepared for the problems which our economy now has. Terry Sanford was truly an amazing fellow that could put all this together and coalesce a group around him at that time to create something that has had an unbelievable impact on our State in the forty years that have passed and we are most appreciative to the men and women of North Carolina that have provided this benefit to the hopes and dreams and the economic well-being of the people of North Carolina. We are certainly better for it, our State is better for it, and I would ask your support for the resolution."

Senator Albertson:

"Thank you, Madame President. Members of the Senate, today we recognize an institution that has changed the lives of many North Carolinians over the last forty years, that being the Community College System. Scripture teaches us that without a vision, people will perish. There's one man, Dr. W. Dallas Herring of Rose Hill, who is acknowledged as the spiritual godfather of the North Carolina Community College System. Dr. Herring was chairman of the State Board of Education when the System was created, and it was under his guidance. Dr. Herring advocated tirelessly for a comprehensive Community College System offering what he called a golden door of opportunity for any North Carolinian who needed education to move toward the goal of a productive life. He saw Community Colleges as a way of bringing meaningful education to, as he put it, tens of thousands whom the State, hitherto, had neglected or actually forgotten. Anyone with a desire to learn a skill or get additional education or begin an education career from the very basics, can find an educational opportunity fitted to his or her ability and needs at their local Community College. They will also find dedicated and talented instructors who want to help their students succeed. I would bet today that even Dr. Dallas Herring would be surprised at the range of success that the Community Colleges have had since 1963 and the numbers of people they have served. The new motto for the Community College System is 'College that really works for North Carolina.' How appropriate. The fifty-eight Community Colleges and the Textile Center work hard for our State. For example, our Community Colleges are our best hope for our distressed farmers. A group of hard working individuals who mean a great deal to me and to many of you in this Chamber as well. Some Community Colleges teach a course called Sustainable Agriculture. This is a program that teaches the basic and technical skills that helps a farmer run his business in a profitable way. This is very important if a farmer is to have any hope of

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succeeding these days, as you well know. We all know that in spite of these advances in technical expertise, some farmers don't quite make it. It's good to know they can turn to a Community College to learn how to grow different kinds of crops or to change professions entirely. One College, I'm told, Surry Community College, is teaching how to grow grapes and operate a winery. At Brunswick Community College, you'll be pleased to know that farmers can learn how to grow aquatic crops and manage fish and shellfish hatcheries. There, of course, are many other fine examples of our Community Colleges coming through for those in need by offering new programs or teaching new ways of doing old jobs. Of course, no business can succeed without good leaders. We are fortunate to have in the Community Colleges System one such as Board Chair James Woody and President Martin Lancaster, who many of you know has served in this Body as a member of the House across the hall. He now heads, of course, the third largest Community College System in the Nation. Today I'm proud to endorse this Community College resolution, recognizing forty years of valuable service to the people of our great State, North Carolina."

Senator Purcell:

"Madame President, ladies and gentlemen of the Senate, I don't know of any industry that's done more for rural North Carolina than our Community College System. I speak specifically for Richmond Community College and South Piedmont Community College, and Stanly Community College in the district that I represent, and Montgomery Community College, Senator Tillman, in the district I used to represent. The Community Colleges taught people how to get jobs and taught people how to upgrade their job skills. It has taught people how to read and write, how to get a GED. It has enabled people to become nurses or dental hygienists or surveyors and also, it's helped people to improve their quality of life by learning how to use computers, or make pottery. It helped me to improve my quality of life a few years ago when I took a brick masonry course. It improved my quality of life by teaching me that anybody with any sense will leave brick masonry to bona fide brick masons. I look forward to voting in favor of this resolution."

Senator Dalton:

"Thank you, Madame President. Members of the Senate, I can remember being a young boy in the early sixties and being with two men I highly respected and they were talking about a Community College being built in our community and, quite frankly, they were somewhat critical. They were afraid it would cost too much money and perhaps their taxes would go up. They also said, 'Well if children are really qualified to go to college we have colleges throughout the State. They can travel to those.' As far as vocational education, they said 'There's nothing better than OJT, on the job training. We really don't need this college.' They were wrong. I highly respect them, but they were wrong and they admitted they were wrong twenty years later when one of them called me and asked me to serve on the Community College Board with him. I reminded him that I remembered that conversation and he said he was wrong. He also agreed that, thank goodness, there were people with vision and courage back in the 1960's that could see that this would be one of the greatest assets this State could have. Everybody in this Body talks about One North Carolina, well I can say to you that the greatest catalyst for One North Carolina is this Community College System, for the reasons that Senator Rand stated. It's universal,

it's fifty-nine campuses across the State. Everybody's within thirty minutes of a Community College. Last year 800,000 North Carolinians, separate social security numbers, enrolled in that system. I think we should be proud of that. It's one of the best in the world, if not the best. That's proven because other states have followed this model. Other nations have followed this model. It's wonderful because it serves all of the people. It has an open door policy. General college degrees may transfer to four-year schools and the evidence shows that those students perform very well. High school degrees for those drop outs that we have had, helping them in our economy, remediation with human resources, our focused industrial training, new industrial training that we do, our workforce development, firefighters, police, rescue, senior citizens improve their quality of life. Senator Rand, I also went to a graduation where the Lieutenant Governor spoke just a week or two ago and I thought then, it is not uncommon but it is probably unique to the Community College System that you have several young people in the crowd yelling, 'Way to go mama.' as they come across that stage. In the rural sections, I can tell you that in these times of trouble, our greatest hope is our Community College System. The greatest promise for future growth is our Community College System. I just have a great appreciation for those people who went before us as we celebrate the Fortieth Anniversary today. We thank the faculty who is underpaid very much, the administrators for all they do. We thank the community, but most of all we thank those forefathers who had the courage and vision to invest our tax money back in the 1960's. It's money well spent. It has paid great dividends to our State and continues to do so. I ask your support for the resolution."

Senator Swindell:

"Thank you, thank you, thank you, Madame President. Ladies and gentlemen of the Senate, as I have thought about this day approaching and realizing of course that the date was May 17, 1963, let me share with you a story of a young lad, who was ten, eleven, twelve years old. When my father was called upon by Governor Hodges to help start these schools in North Carolina, I would travel with my father and we would take trips and we would stay in places like the Biltmore Hotel down in Morehead City, the Jefferson Hotel, and the Queen Anne Hotel that used to stand in New Bern. The first programs started, that most people don't realize, were crab picking, net mending, boat building, which was taught by Captain Jim Mitchell in Morehead City at the High School. There was a Nurses' Assistant program that was started at Sea Level. I would go with my father as he would go into these towns. I remember one time very vividly when we went to see Senator Ashley Futrell in Washington. Daddy said we've got to have a place to start this college. So what they did, they went upstairs over the newspaper and that was where Beaufort Community College was begun. I enjoyed moving with him around the State and he said to me when I was young that whatever I did in life, one thing I was going to have to do and that was get a skill. I was going to have to go to a technical institute in order to do that. Well, I did graduate from Wilson Technical Institute, and believe it or not, Stan Bingham, as a heavy equipment operator. I then went on to Sandhills Community College where I received my Associate Degree. The Community College meant so much to me and I have two files at home that are loaded with documents and personal notes and letters back and forth from my father from Governor Hodges and Governor Sanford. I thought I'd read to you a couple of excerpts really quickly if I can. This is from Dr. Gerald James who was the State Director of Vocational Education, in a

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speech he gave to the Southern Regional Conference of Council of States in Mississippi on July 26, 1962. 'In North Carolina we believe we have a good system of elementary schools, a good system of secondary schools, and a good system of colleges and universities, but there definitely has been an educational gap between the high school diploma and the baccalaureate degree. Many young men and women want and need more education than they get in high school, and more specialized education than they get in the high school years, yet not to the baccalaureate degree. About three years ago North Carolina made a move forward, filling this educational gap in the development of twenty rather strategically located industrial education centers. The oldest of these centers is just three years old, yet last year with only fourteen in operation, 25,789 individuals were enrolled. Perhaps this is not too distant from the enrollment on the three campuses of the University of North Carolina. We predict that within five years to seven years enrollment in all twenty centers when they are in operation, they will enroll more people than are enrolled in all twelve state supported four year colleges in North Carolina.' Then he goes on to say, and I got a kick out of this, 'The 1957 General Assembly appropriated \$580,000 as a challenge fund for developing this new concept in education in North Carolina.' I also have a letter that was from Dallas Herring and this are the original letters, I know I should take better care of them probably. I have made copies that are now in two Community Colleges, but this is a letter from Dallas Herring to Congressman Herbert Bonner and it talks about the boys fishing in North Carolina on the coast. 'Although we teach diesel repair,' and the letter is dated February 11, 1963, 'there is a real need in North Carolina to teach people about technical skills because of the science revolution.' This letter I would say, in closing, if you would bear with me just to read this, I thought this was kind of neat in hearing things here today. This is from Dallas Herring on November 26, 1963. Daddy actually left the Community College System and went to work lobbying for the Railroad after they passed the Community College Act. This is from Dallas Herring. 'Dear Russell, the rewards of public service, whether it is paid for by the state, so that a man can at least live and to some extent see to the needs of his family or whether it is held to be so little value, as in my case, so the taxpayers are not to be billed for it become less and less obvious as the years pass. Nevertheless, there are rewards. I should like you to know that as you leave the service of the State that in my judgment, you have rendered the State a most patriotic and responsible service. Little account of it will be taken by the public, for they are in no position to understand it, but there are those of us who have had the great pleasure and privilege of working with you and know how you have gone beyond question, that you have acted always in the highest tradition of the dedicated citizens deeply concerned for the disadvantaged, the neglected, the forgotten, and the isolated. You will always have my gratitude for what you have done for North Carolina. Who can measure it? We will discuss it again in the year 1999. For then the seeds you have helped so industriously to sow will have sprouted and grown up to maturity and we will be able to see how well they have yielded in the lives of tens of thousands of children who have never heard of you and me, and never will. The knowledge of this is the final and, by far the best reward. I am honored to share it with you old friend and am deeply gratified to you for the load you have helped me to bear in North Carolina.' I encourage the resolution and I thank you for allowing me the opportunity to speak."

Senator Webster:

"The history of our technical training, Senator Basnight, in the United States was fairly dismal until we developed the Community College System. I am so thankful that somebody had the foresight to realize this and to bring us up to what we needed in technical training for these people. We have come to the point where we can compete with Germany and Japan in the technical services. One thing that's been missed, by the way there are a lot of things that I would like to have said, but Charlie Albertson spoke very clearly and beautifully and I don't need to repeat him. There's a secret that many parents don't know. The best route to a four-year degree is through a community college's transfer program. It works really good and it saves us a lot of money, but a lot of people don't know about it. There's an old song, and this is the point of what I have to say. I know the song goes, 'Give me my roses while I live, don't wait until I'm dead and gone.' Well, I want to send some recognition to a person who could not be named because he is not dead. The person who was deep in his heart and his energy, the Community College System. He did a lot, Senator Albertson, for us poor farmers in Caswell County and Alamance County. We have some of the best Community Colleges in the State, Alamance Community College, Piedmont Community College, which serves primarily Person, but also Caswell, Rockingham Community College, Guilford Technical College. I want to send my thanks and recognition to Governor Bob Scott who lives still in Alamance County. He was very dedicated to the Community College System and deserves as much recognition as probably many of these other people, thanks to your dad too."

Senator Foxx:

"Ladies and gentlemen, I think most of you know I was President of a community college, Mayland Community College, up in Spruce Pine. It's actually in Avery County, but the address is Spruce Pine. I left the University System to go to work in the Community College because I thought it would be such a wonderfully exciting place to work, and it is. The Community College System in North Carolina is the most unappreciated part of our education system in North Carolina, I think. I am so pleased to see this resolution because I hope we are going to give it more and more appreciation in the future. Community College really does provide a wonderful opportunity for citizens who don't have that opportunity anywhere else. I worked long hours when I worked at Mayland Community College and my husband would say to me, 'Why do you do that?' I would say, 'Because at least once a month some student comes into my office and says, you don't realize how being here has changed my life.' He had a chance occasionally to meet some of those students and it made an impression on him. We are really changing lives with the Community College System in North Carolina and I hope in the future we will help change the image of the Community College because we have entirely too many students who think they are second class citizens because they go to a community college. They think they are not as good as those who go to the University System. But I will tell you, I'll put any community college student up against any university student for the skills that they have and the intelligence that they have, and say to them over and over how fortunate we are that they take the opportunity to continue their educations there and I hope that we will do more again in the future to help those students feel like first-class citizens, the first-class citizens that they are for going on to continue their education. Thank you."

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Senator Pittenger:

"I serve on the foundation board of Central Piedmont Community College. In such, we have found that over seventy thousand students go through our college each year. We graduate more students from high school than any entity in Charlotte, in our entire region. When companies come to our region and they want to look for establishing their business, we point to CPCC as the most important and vital institution to prepare our workforce. I hope that we can give greater priority and focus to funding for these vital institutions in our State. Thank you."

Senator Dannelly:

"First of all ladies and gentlemen, let me say ditto to all of the comments made thus far about the Community College System. As a former director of a continuing education night school for Central Piedmont Community College, I want to point out something that may not have been intended, but happened anyway, because when visionaries put their vision to work, you never know how far and how wide it may stretch. We're talking about in 1963. As you recall our school systems across the state were battling and in the throes of desegregation of schools. We had many low-income African American families with youth who had finished high school, but did not have the resources to go even to state-supported schools. The Central Piedmont Community College was there. They stayed at home and went to school at a most convenient time to further their education, whether it was for a college degree or whether it was to improve their vocational skills. It was available. That was not intended originally, but that's where it stretched. Today those young men and women are productive citizens and proud of what the community college has done. There were many of them. There were many adults in my night school who had to drop out of school for one reason or another, mostly to supplement the family income. They came back and finished their high school training at the community college that was made available for them. I'm talking primarily about African Americans. Were it not for that system, many of them would not be doing as well as they're doing today. I recommend the resolution to you."

Senator Blake:

"I come from a small county, Moore County. I've heard several great names mentioned here today, but this great institution we're talking about has really come about by the great work of one great man from Moore County and his name was Clifton Blue. He was the Speaker of the House at the time this bill was approved. Clifton Blue was not an educated person. He did not go to the university, but he was a great Moore Countian and a great American. I just wanted to mention his name today in all this great communicate that we've had, and I certainly support this bill."

The joint resolution passes its second reading (47-0) and third reading with members standing, and is ordered sent to the House of Representatives by special message.

The Chair extends the courtesies of the gallery to James Woody, Chairman of the State Board of Community Colleges; Martin Lancaster, North Carolina Community Colleges System President; Dr. Larry Norris, North Carolina Community Colleges Presidents Association and Fayetteville Technical Community College President; Helen Dowdy, North Carolina Community Colleges Trustees Association Executive

Director; Harry F. Shaw, Chair since 1976 of the Board of Directors of Fayetteville Technical Community Colleges.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 825, AN ACT TO REQUIRE ANY PRIVATE OR PUBLIC INSTITUTION THAT OFFERS A POSTSECONDARY DEGREE TO PROVIDE MENINGOCOCCAL DISEASE IMMUNIZATION INFORMATION TO STUDENTS IF THE INSTITUTION HAS A RESIDENTIAL CAMPUS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 89, AN ACT TO REPEAL A LOCAL ACT APPLYING TO FORSYTH COUNTY CONCERNING FIRE AND RESCUE DISTRICTS, SO THE GENERAL LAW WILL APPLY.

H.B. 351, AN ACT TO AUTHORIZE THE CITY OF SALISBURY TO ADOPT AND ENFORCE ORDINANCES RELATING TO PARKING.

The Enrolling Clerk reports the following resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 366, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION. (Res. 12)

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 214, AN ACT TO ALLOW TERRITORY TO BE REMOVED FROM A RESEARCH AND PRODUCTION SERVICE DISTRICT.

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. 124, AN ACT TO EXEMPT THE CITY OF LUMBERTON FROM CERTAIN STATUTORY REQUIREMENTS RELATING TO THE CONSTRUCTION OF BUILDINGS TO BE USED BY INDUSTRIES LOCATING TO THE CITY. (Became law upon ratification, June 2, 2003--S.L. 2003-118.)

H.B. 13, AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN TRANSYLVANIA COUNTY AND TO REQUIRE WRITTEN

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PERMISSION BEFORE HUNTING ON THE LAND OF ANOTHER IN TRANSYLVANIA COUNTY. (Became law upon ratification, June 2, 2003–S.L. 2003-119.)

H.B. 153, AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S GARBAGE AND TRASH ORDINANCE, AUTHORIZING THE CITY TO TAKE REMEDIAL ACTION REGARDING THE GARBAGE AND TRASH ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR, AND CLARIFYING THE LANGUAGE AS TO WHAT CONSTITUTES A CHRONIC VIOLATOR UNDER THE CITY'S CURRENT ORDINANCE REGARDING OVERGROWN VEGETATION. (Became law upon ratification, June 2, 2003–S.L. 2003-120.)

H.B. 187, AN ACT TO PROVIDE THAT THE DISTRIBUTION OF THE PROCEEDS FROM THE TOWN OF NORWOOD AND CITY OF ALBEMARLE ABC SYSTEMS SHALL BE IN ACCORDANCE WITH GENERAL LAW. (Became law upon ratification, June 2, 2003–S.L. 2003-121.)

H.B. 197, AN ACT TO ALLOW THE BLADEN COUNTY BOARD OF EDUCATION TO DISPOSE OF CERTAIN PROPERTY AT PRIVATE SALE. (Became law upon ratification, June 2, 2003–S.L. 2003-122.)

H.B. 214, AN ACT MAKING THE TAX COLLECTOR OF MADISON COUNTY AN APPOINTED OFFICE RATHER THAN AN ELECTED OFFICE. (Became law upon ratification, June 2, 2003–S.L. 2003-123.)

H.B. 295, AN ACT TO AUTHORIZE THE TOWN OF BEECH MOUNTAIN TO REGULATE GOLF CARTS AND UTILITY VEHICLES. (Became law upon ratification, June 2, 2003–S.L. 2003-124.)

H.B. 396, AN ACT TO CHANGE THE NAME OF THE EDGECOMBE COUNTY SCHOOL SYSTEM. (Became law upon ratification, June 2, 2003–S.L. 2003-125.)

H.B. 499, AN ACT AMENDING THE CHARTER OF THE TOWN OF LANDIS TO EXTEND THE MAYOR'S AND ALDERMEN'S TERMS OF OFFICE FROM TWO TO FOUR YEARS. (Became law upon ratification, June 2, 2003–S.L. 2003-126.)

H.B. 582, AN ACT AUTHORIZING CLAY COUNTY TO ENGAGE IN JOINT DEVELOPMENT ACTIVITIES WITH A CONTIGUOUS COUNTY IN AN ADJOINING STATE. (Became law upon ratification, June 2, 2003–S.L. 2003-127.)

H.B. 679, AN ACT AUTHORIZING THE CITY OF RALEIGH 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, AND TO ALLOW WAKE COUNTY AND THE TOWN OF RUTHERFORDTON TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT. (Became law upon ratification, June 2, 2003–S.L. 2003-128.)

CALENDAR *(continued)*

S.B. 33 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE RECIPROCAL CONCEALED HANDGUN RIGHTS TO CONCEALED HANDGUN PERMIT HOLDERS OF OTHER STATES, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (39-6) and the measure is ordered enrolled and sent to the Governor.

S.B. 38 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE DEPARTMENT OF TRANSPORTATION AS THE STATE AGENCY RESPONSIBLE FOR FIXED GUIDEWAY TRANSIT SAFETY, TO AMEND THE DEPARTMENT OF TRANSPORTATION LOGO SIGNS PROGRAM TO AUTHORIZE ATTRACTION LOGO SIGNS, TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ADOPT TEMPORARY RULES CONCERNING LOGO SIGNS, TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO AUTOMATE ITS 511 TRAVELER INFORMATION PHONE SYSTEM, AND TO REVISE THE LAW CONCERNING HIGH OCCUPANCY VEHICLE (HOV) LANES, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 90 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW SANITARY DISTRICT BOARDS TO SET COMPENSATION FOR ITS MEMBERS, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled and sent to the Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 3, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to Committee Substitute for SJR 366, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, the House stands ready to receive your Honorable Body in Joint Session.

Respectfully,
S/Denise Weeks
Principal Clerk

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The Chair orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House of Representatives pursuant to S.J.R. 366.

Upon motion of Senator Basnight, in accordance with S.J.R. 366, the Senate stands in recess to repair to the Hall of the House of Representatives, there to sit in Joint Session, and upon his further motion, upon dissolution of the Joint Session, to return to the Senate Chamber for further consideration of business.

JOINT SESSION

With Members of the House of Representatives standing, the Senate is received and the Joint Session is called to order by the Lieutenant Governor, Beverly E. Perdue, President of the Senate.

The President of the Senate directs the Reading Clerk of the Senate to call the roll of the Senate and the following members answer the call:

Senators Albertson, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, and Weinstein--47.

The roll of the House of Representatives is called electronically and the following members answer the call:

Representatives Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Daughtride, Daughtry, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fox, Frye, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McCombs, McGee, McHenry, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Munford, Nesbitt, Nye, Owens, Parmon, Pate, Preston, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Stiller, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, Womble, Wood, Wright, and Yongue--113.

The President of the Senate declares a quorum of each Body present and announces the Joint Session shall proceed with the business for which it convened, the confirmation of the appointments by the Governor of members to the State Board of Education as outlined in S.J.R. 365. The President places before the Senate **S.J.R. 365** (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS OF ROBERT TOM SPEED, KATHY A. TAFT, AND JOHN A. TATE, III TO MEMBERSHIP ON THE STATE BOARD OF EDUCATION, and she further directs the Senate Reading Clerk to read the resolution.

Senator Lucas, Co-Chair of the Senate Education/Higher Education Committee, offers a motion that the rules be suspended to the end that the Committee Substitute joint resolution be placed before the Senate for immediate consideration, which motion prevails. Senator Lucas is recognized to speak to the passage of the Committee Substitute joint resolution.

The Senate passes the Committee Substitute joint resolution on its second reading, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foy, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, and Weinstein—47.

Voting in the negative: None.

Without objection, the Committee Substitute joint resolution remains before the Senate for further consideration upon third reading. The Committee Substitute joint resolution passes its third reading and is ordered sent by special message to the House of Representatives.

The President of the Senate relinquishes the gavel to Representative Black, Speaker of the House of Representatives, who presides.

The Speaker directs the Reading Clerk of the House of Representatives to read a message from the Senate, as follows:

S.J.R. 365 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS OF ROBERT TOM SPEED, KATHY A. TAFT, AND JOHN A. TATE, III TO MEMBERSHIP ON THE STATE BOARD OF EDUCATION.

Representative Bonner offers a motion that the rules be suspended and that the Committee Substitute joint resolution be placed before the House of Representatives for immediate consideration, which motion prevails. Representative Bonner is recognized to speak to the passage of the joint resolution.

The House of Representatives passes the Committee Substitute joint resolution on its second reading, ayes 115, noes 0, as follows:

Voting in the affirmative: Representatives Morgan, Adams, Alexander, B. Allen, G. Allen, L. Allen, Allred, Baker, Barbee, Barnhart, Bell, Blackwood, Blust, Bonner, Bordsen, Bowie, Brubaker, Capps, Carney, Church, Clary, Coates, Cole, Crawford, Creech, Culp, Culpepper, Daughtride, Daughtry, Decker, Dickson, Dockham, Earle, Eddins, Ellis, England, Farmer-Butterfield, Fox, Frye, Gillespie, Glazier, Goforth, Goodwin, Gorman, Grady, Gulley, Hackney, Haire, Hall, Harrell, Hill, Hilton, Holliman, Holmes, Howard, Hunter, Insko, Jeffus, C. Johnson, L. Johnson, Jones, Justice, Justus, Kiser, LaRoque, Lewis, Lucas, Luebke, McAllister, McComas, McCombs, McGee, McHenry, McLawhorn, McMahan, Michaux, Miller, Miner, Mitchell, Moore, Munford, Nesbitt, Nye, Owens, Parmon, Pate, Preston, Ray, Rayfield, Rhodes, Ross, Sauls, Saunders, Setzer, Sexton, Sherrill, Stam, Starnes, Stillier, Sutton, Tolson, Wainwright, Walend, Walker, Warner, Warren, Weiss, West, A. Williams, K. Williams, C. Wilson, Womble, Wood, Wright, and Yongue—115.

Voting in the negative: None.

(Representatives Decker and Morgan did not answer the previous call of the roll, but were present in the Chamber to vote.)

With unanimous consent, the Committee Substitute joint resolution remains

before the House of Representatives for further consideration, upon third reading. The Committee Substitute joint resolution passes its third reading and the Speaker orders the measure enrolled.

The Speaker of the House of Representatives announces that the Senate and House of Representatives, sitting in Joint Session, confirm Governor Easley's appointments of Robert Tom Speed, Kathy A. Taft, and John A. Tate III, to the State Board of Education and orders the Governor notified pursuant to G.S. 143-47.7 of the action of the General Assembly taken on this date.

Speaker Black recognizes Senator Basnight who offers a motion that the Joint Session be dissolved and pursuant to the motion heretofore made, that the Senate return to its Chamber for consideration of further business, which motion prevails.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

CALENDAR *(continued)*

S.B. 388 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE NORTH CAROLINA GENERAL STATUTES IN RESPONSE TO RECENT MEDICAL ADVANCES IN SCREENING FOR THE EARLY DETECTION OF CERVICAL CANCER, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (44-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 394 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING A CLAIM FOR EQUITABLE DISTRIBUTION TO SURVIVE THE DEATH OF A SPOUSE WHEN THE PARTIES ARE LIVING SEPARATE AND APART AT THE TIME OF DEATH AND THE CLAIM IS TIMELY FILED, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 4, for concurrence in the House Committee Substitute bill.

S.B. 648 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN AD HOC CERVICAL CANCER ELIMINATION TASK FORCE TO THE ADVISORY COMMITTEE ON CANCER COORDINATION AND CONTROL, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 708 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CRIMINAL BACKGROUND CHECKS ON PROSPECTIVE MEMBERS OF FIRE DEPARTMENTS, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 877 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE PENALTIES FOR VIOLATIONS OF THE CHILD CARE FACILITIES ACT, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (45-1) and the measure is ordered enrolled and sent to the Governor.

H.B. 304 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DEFENDANT CONVICTED OF MISDEMEANOR STALKING WHO IS SENTENCED TO A COMMUNITY PUNISHMENT SHALL BE PLACED ON SUPERVISED PROBATION IN ADDITION TO ANY OTHER PUNISHMENT IMPOSED BY THE COURT.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 483 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE ABROGATION OF OFFENSIVE PLACE-NAMES THROUGHOUT THE STATE.

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. 842 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A SYSTEM FOR ALL NORTH CAROLINA ELECTIONS THAT COMPLIES WITH THE HELP AMERICA VOTE ACT AND TO HELP PREVENT DUPLICATE NAMES ON JURY LISTS.

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.

H.B. 869, A BILL TO BE ENTITLED AN ACT TO ADVANCE THE DATE FOR REPORTING MAILED ABSENTEE AND ONE-STOP VOTES BY PRECINCT FROM 2006 TO 2004 FOR THOSE COUNTIES CAPABLE OF DOING SO.

The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1151 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ADMINISTRATIVE PROCEDURE ACT TO REVISE THE PROCEDURE FOR ADOPTING PERMANENT AND TEMPORARY RULES, TO CREATE A PROCEDURE FOR THE ADOPTION OF EMERGENCY RULES, TO CLARIFY THE ROLE OF THE RULES REVIEW COMMISSION, AND TO EXCLUDE THE STATE MEDICAL FACILITIES PLAN FROM THE DEFINITION OF A RULE.

The Senate Committee Substitute bill passes its second (47-0).

Senator Hartsell objects to third reading of the measure. Pursuant to Rule 50, the President, orders the measure placed on the Calendar for tomorrow, Wednesday, June 4.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 292, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF RALEIGH TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS, for concurrence in the House Amendment No. 1.

Referred to **State Government, Local Government, and Veterans' Affairs Committee**.

ENROLLED BILL

The Enrolling Clerk reports the following joint resolution duly ratified for presentation to the Governor:

S.J.R. 365, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS OF ROBERT TOM SPEED, KATHY A. TAFT, AND JOHN A. TATE, III TO MEMBERSHIP ON THE STATE BOARD OF EDUCATION. (Res. 13)

WITHDRAWAL FROM COMMITTEE

S.B. 292, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF RALEIGH TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS, for concurrence in House Amendment No. 1, referred to the **State Government, Local Government and Veterans' Affairs Committee** earlier today.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **State Government, Local Government and Veterans' Affairs Committee** and placed on the Calendar for tomorrow, Wednesday, June 4, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **State Government, Local Government and Veterans' Affairs Committee** and places it on the Calendar for tomorrow, Wednesday, June 4.

REMOVAL OF BILL CO-SPONSOR

Senator Garwood requests to be removed as a sponsor of previously introduced legislation:

S.B. 144, A BILL TO BE ENTITLED AN ACT TO CHANGE THE PENALTY FOR THE UNAUTHORIZED PRACTICE OF MEDICINE FROM A MISDEMEANOR TO A FELONY.

Upon motion of Senator Basnight, seconded by Senator Weinstein, the Senate adjourns at 4:33 P.M. to meet tomorrow, Wednesday, June 4, at 3:00 P.M.

SEVENTY THIRD DAY

Senate Chamber
Wednesday, June 4, 2003

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by Dr. John Deegan, Jr., President, St. Andrews Presbyterian College, Laurinburg, NC as follows:

"God of grace and God of glory, Creator divine and maker of all humankind, we come before you humbly and in awe of your presence.

"We ask this day that You extend special mercy to those assembled in this chamber. We pray for an extra measure of Your special blessing on those who have been chosen by the people for servant leadership.

"We recognize the special responsibilities that are exercised by those elected to represent and we ask that you grant to each one strength for their labors, compassion for those they serve, humility for the burden they bear, uncommon wisdom for the decisions they must make, and the courage to make those choices that are just.

"We also ask that you grant mercy and grace to all Your people, and that You pour out Your blessings on the great State of North Carolina and upon these United States of America.

"All these things we ask in Your Holy Name, so that we may better serve You better. Amen."

The Chair grants leaves of absence for today to Senator Carpenter and Senator Kinnaird.

Senator Basnight, President Pro Tempore, announces that the Journal of yesterday, Tuesday, 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. W. Grimes Byerly, Jr. from Hickory, North Carolina, who is serving the Senate as Doctor of the Day, and to Nancy Crutchfield from Reidsville, 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. 33, AN ACT TO PROVIDE RECIPROCAL CONCEALED HANDGUN RIGHTS TO CONCEALED HANDGUN PERMIT HOLDERS OF OTHER STATES.

S.B. 38, AN ACT TO DESIGNATE THE DEPARTMENT OF
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TRANSPORTATION AS THE STATE AGENCY RESPONSIBLE FOR FIXED GUIDEWAY TRANSIT SAFETY, TO AMEND THE DEPARTMENT OF TRANSPORTATION LOGO SIGNS PROGRAM TO AUTHORIZE ATTRACTION LOGO SIGNS, TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ADOPT TEMPORARY RULES CONCERNING LOGO SIGNS, TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO AUTOMATE ITS 511 TRAVELER INFORMATION PHONE SYSTEM, AND TO REVISE THE LAW CONCERNING HIGH OCCUPANCY VEHICLE (HOV) LANES.

S.B. 90, AN ACT TO ALLOW SANITARY DISTRICT BOARDS TO SET COMPENSATION FOR ITS MEMBERS.

S.B. 388, AN ACT TO UPDATE THE NORTH CAROLINA GENERAL STATUTES IN RESPONSE TO RECENT MEDICAL ADVANCES IN SCREENING FOR THE EARLY DETECTION OF CERVICAL CANCER.

S.B. 647, AN ACT TO MAKE STATEWIDE AN ACT CURRENTLY APPLICABLE TO MECKLENBURG AND CATAWBA COUNTIES AND CHARLOTTE AND RALEIGH THAT DEEMS THE CREATION OF A SELF-FUNDED RISK PROGRAM AS THE PURCHASE OF INSURANCE FOR THE PURPOSE OF WAIVING GOVERNMENTAL IMMUNITY.

S.B. 648, AN ACT TO ESTABLISH AN AD HOC CERVICAL CANCER ELIMINATION TASK FORCE TO THE ADVISORY COMMITTEE ON CANCER COORDINATION AND CONTROL.

S.B. 692, AN ACT TO PROVIDE THAT CERTAIN INFORMATION CONCERNING PLANS TO RESPOND TO TERRORIST ACTIVITY ARE NOT SUBJECT TO THE PUBLIC RECORDS OR OPEN MEETINGS LAWS.

S.B. 708, AN ACT TO ALLOW CRIMINAL BACKGROUND CHECKS ON PROSPECTIVE MEMBERS OF FIRE DEPARTMENTS.

S.B. 877, AN ACT TO ENHANCE PENALTIES FOR VIOLATIONS OF THE CHILD CARE FACILITIES ACT.

S.B. 897, AN ACT TO EXEMPT FROM PRIOR AUTHORIZATION REQUIREMENTS FOR PRESCRIPTION DRUGS UNDER THE MEDICAID PROGRAM ANTIHEMOPHILIC DRUGS PRESCRIBED FOR THE TREATMENT OF HEMOPHILIA AND BLOOD DISORDERS.

H.B. 304, AN ACT TO PROVIDE THAT A DEFENDANT CONVICTED OF MISDEMEANOR STALKING WHO IS SENTENCED TO A COMMUNITY PUNISHMENT SHALL BE PLACED ON SUPERVISED PROBATION IN ADDITION TO ANY OTHER PUNISHMENT IMPOSED BY THE COURT.

H.B. 869, AN ACT TO ADVANCE THE DATE FOR REPORTING MAILED ABSENTEE AND ONE-STOP VOTES BY PRECINCT FROM 2006 TO 2004 FOR THOSE COUNTIES CAPABLE OF DOING SO.

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. 627, AN ACT TO AUTHORIZE THE CITY OF GREENSBORO AND THE TOWN OF KERNERSVILLE TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS.

H.B. 735, AN ACT AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR.

H.B. 776, AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO TO GIVE THE CITY MANAGER GREATER AUTHORITY TO APPROVE CERTAIN CONTRACTS.

S.J.R. 1024, A JOINT RESOLUTION COMMEMORATING THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM ON THE OCCASION OF ITS FORTIETH ANNIVERSARY AND HONORING THOSE WHO HELPED CREATE THE COMMUNITY COLLEGE SYSTEM. (Res. 14)

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. 760, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT GRANTS FROM UNIFORM PROGRAMS FOR PUBLIC CAMPAIGN FINANCING DO NOT CONSTITUTE "CONTRIBUTIONS" AND ARE NOT SUBJECT TO RESTRICTIONS ON CONTRIBUTIONS; TO CLARIFY THAT CERTAIN CITY AND COUNTY GOVERNMENTS ARE AUTHORIZED TO CONDUCT THOSE PROGRAMS; TO GRANT CITY AND COUNTY GOVERNMENTS LIMITED AUTHORITY TO SET STRICTER LIMITS THAN THOSE IN EFFECT STATEWIDE FOR CONTRIBUTION LIMITS AND REPORTING; AND TO MANDATE AND APPROPRIATE FUNDS FOR A STUDY OF LOCAL PUBLIC CAMPAIGN FINANCING PROGRAMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75251, which changes the title to read **S.B. 760** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT GRANTS FROM UNIFORM PROGRAMS FOR PUBLIC CAMPAIGN FINANCING DO NOT CONSTITUTE "CONTRIBUTIONS" AND ARE NOT SUBJECT TO RESTRICTIONS ON CONTRIBUTIONS; TO CLARIFY THAT GOVERNMENTS IN CITIES AND COUNTIES OF A CERTAIN SIZE ARE AUTHORIZED TO CONDUCT THOSE PROGRAMS; TO GRANT GOVERNMENTS IN CITIES AND COUNTIES OF A CERTAIN SIZE AUTHORITY TO SET CONTRIBUTION LIMITS AT ONE THOUSAND DOLLARS FOR LOCAL OFFICES RATHER THAN THE STATEWIDE LIMIT OF FOUR THOUSAND DOLLARS; AND TO

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APPROPRIATE FUNDS FOR AND MANDATE A STUDY OF LOCAL PUBLIC CAMPAIGN FINANCING PROGRAMS, is adopted and engrossed.

Upon motion of Senator Clodfelter, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 786, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PRIMA FACIE RULE FOR PARKING APPLIES TO CIVIL PARKING AND RED LIGHT CAMERA ENFORCEMENT ACTIONS, 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 45154, which changes the title to read **H.B. 786** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND LIABILITY RULES THAT APPLY TO CIVIL PARKING AND RED LIGHT CAMERA ENFORCEMENT ACTIONS, is adopted and engrossed.

H.B. 1120 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE APPOINTMENT OF CERTAIN HIGH SCHOOL STUDENTS AS STUDENT ELECTION ASSISTANTS, 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 70332, which changes the title to read **H.B. 1120** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE APPOINTMENT OF CERTAIN HIGH SCHOOL STUDENTS AS STUDENT ELECTION ASSISTANTS AND TO MAKE OTHER CHANGES TO THE ELECTION LAWS, is adopted and engrossed.

By Senator Purcell for the **Health and Human Resources Committee**:

H.B. 1118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE SIGNS TO BE POSTED WARNING OF THE POSSIBLE DANGERS OF CONSUMPTION OF ALCOHOL DURING PREGNANCY, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 1123, A BILL TO BE ENTITLED AN ACT TO EXPRESSLY PROVIDE FOR LIMITED GUARDIANSHIPS FOR INCOMPETENT PERSONS AND TO CLARIFY THE DUTY OF A GUARDIAN AD LITEM APPOINTED TO REPRESENT A PERSON IN AN INCOMPETENCY ADJUDICATION, 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 30360, which changes the title to read **H.B. 1123** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPRESSLY PROVIDE FOR LIMITED GUARDIANSHIPS FOR INCOMPETENT PERSONS AND TO CLARIFY THE DUTY OF A GUARDIAN AD LITEM APPOINTED TO REPRESENT A PERSON IN AN INCOMPETENCY ADJUDICATION AND TO CLARIFY THE APPOINTMENT OF GUARDIAN AD LITEMS UNDER RULE 17 OF THE RULES OF CIVIL PROCEDURE, is adopted and engrossed.

H.B. 147 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LEFT TURNS ON RED IN CERTAIN SITUATIONS, 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 30359, which changes the title to read **H.B. 147** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LEFT TURNS ON RED IN CERTAIN SITUATIONS, TO CLARIFY WHEN A PEDESTRIAN HAS THE RIGHT-OF-WAY, AND TO INCREASE THE PENALTY AND DRIVERS LICENSE POINTS ASSESSED FOR FAILING TO YIELD THE RIGHT-OF-WAY TO A PEDESTRIAN, is adopted and engrossed.

CONFERENCE REPORT

Senator Gulley, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 384** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN AND WILMINGTON URBAN LOOPS AND OTHER INTRASTATE IMPROVEMENT PROJECTS, 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 384, A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN AND WILMINGTON URBAN LOOPS AND OTHER INTRASTATE IMPROVEMENT PROJECTS, House Committee Substitute Favorable 5/7/03, submit the following report:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN AND WILMINGTON URBAN LOOPS AND OTHER INTRASTATE IMPROVEMENT PROJECTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-180(a) reads as rewritten:

"(a) Funds allocated from the Trust Fund for urban loops may be used only for the following urban loops:

Loop	Description	Affected Counties
Asheville Western Loop	Multilane facility on new location from I-26 west of Asheville to US-19/23 north of Asheville for the purpose of connecting these roads. The funds may be used to improve existing corridors.	Buncombe
Charlotte Outer Loop	Multilane facility on new location encircling City of Charlotte	Mecklenburg

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including 6 laning of the portion from Johnston Road/US 521 south to I-77 south of Charlotte
 Durham Northern Loop ~~The corridor shall be identified as a part of the local long-range transportation plan as mutually adopted in 2003 by the Durham-Chapel Hill-Carrboro metropolitan planning organization and the North Carolina Board of Transportation~~ Durham, ~~Orange~~ Wake
The projects listed below are eligible for funding under this section as part of the Durham Northern Loop. The priorities for planning and constructing these projects will be established by mutual agreement of the Metropolitan Planning Organization (MPO) and the Department of Transportation through the federally mandated Transportation Improvement Program development process. The cross sections for these projects will be established by mutual agreement of the MPO and the Department of Transportation through the State and federal environmental review process.
(1) East end connector, from N.C. 147 to U.S. 70 East.
(2) U.S. 70, from Lynn Rd. to the Northern Durham Parkway.
(3) I-85, from U.S. 70 to Red Mill Rd.
(4) Northern Durham Parkway, Section B, from Old Oxford Rd. to I-85.
(5) Northern Durham Parkway, Section A, from I-85 to I-540.
(6) Northern Durham Parkway, Section C, from Old Oxford Rd. to Roxboro Rd.
(7) Roxboro Rd. from Duke St. to Goodwin Rd.
 Greensboro Loop Multilane facility on new location encircling City of Greensboro including interchanges with Cone Boulevard Extension and Lewis-Fleming Road Extension Guilford

Raleigh Outer Loop	Multilane facility on new location from US-1 <u>NC 55</u> southwest of Cary northerly to US-64 in eastern Wake County	Wake
Wilmington Bypass	Multilane facility on new location from US-17 northeast of Wilmington to US-17 southwest of Wilmington, <u>US 421 in southern Wilmington,</u> including the Blue Clay Road interchange	New Hanover
Winston-Salem Northbelt	Multilane facility on new location new location from I-40 west of Winston-Salem northerly to I-40 <u>US 311/Future I-74</u> in eastern Forsyth County."	Forsyth

SECTION 2. G.S. 136-179 reads as rewritten:

"§ 136-179. Projects of Intrastate System funded from Trust Fund.

Funds allocated from the Trust Fund for the Intrastate System may be used only for the following projects of the Intrastate System:

Route	Improvements	Affected Counties
I-40	Widening	Buncombe, Haywood, Guilford, Wake, Durham
I-77	Widening	Mecklenburg
I-85	Widening	Durham, Orange, Alamance, Guilford, Cabarrus, Mecklenburg, Gaston
I-95	Widening	Halifax
US-1	Complete 4-laning from Henderson to South Carolina Line (including 6-laning of Raleigh Beltline)	Vance, Franklin, Wake, Chatham, Lee, Moore, Richmond
US-13	Connector <u>Connectors</u> from I-95 to NC-87	Cumberland <u>Cumberland, Robeson</u>
US-13	Complete 4-laning from Virginia Line to US-17	Gates, Hertford, Bertie
US-17	Complete 4-laning from Virginia Line to South Carolina Line (including Washington, New Bern,	Camden, Pasquotank, Perquimans, Chowan, Bertie, Martin, Beaufort, Craven,

	and Jacksonville Bypasses)	Jones, Onslow, Pender, New Hanover, Brunswick
US-19/ US-19E	Complete 4-laning from US-23 to NC 194 in Ingalls	Madison, Yancey, Mitchell, Avery
US-19	Complete 4-laning	Cherokee, Macon, Swain
US-23	Complete 4-laning and upgrading existing 4-lanes from Tennessee Line to I-240	Madison, Buncombe
US-23-441	Complete 4-laning from US-19/US-74 to Georgia Line	Macon
US-52	Complete 4-laning from I-77 to Lexington (including new I-77 Connector)	Surry, Davidson
US-64	Complete 4-laning from Raleigh to Coast (including freeway construction from I-95 to US-17)	Edgecombe, Pitt, Martin, Washington, Tyrrell, Dare
US-64	Complete 4-laning from Lexington to Raleigh	Davidson, Randolph, Chatham, Wake
US-70	Complete 4-laning from Raleigh to Morehead City (including Clayton, Goldsboro, Kinston, Smithfield-Selma, and Havelock Bypasses predominately freeways on predominately new locations)	Wake, Johnston, Wayne, Lenoir, Craven
US-74	Complete 4-laning from Charlotte to US-17 (including multilaning of Independence Blvd. in Charlotte, and Bypasses of Monroe, Rockingham, and Hamlet)	Mecklenburg, Union, Richmond, Robeson, Columbus
US-74	Complete 4-laning from I-26 to I-85	Polk, Rutherford

US-158	Complete 4-laning from Winston-Salem to Whalebone	Forsyth, Guilford, Rockingham, Caswell, Person, Granville, Vance, Warren, Halifax, Northampton, Gates, Hertford, Pasquotank, Camden, Currituck, Dare
	New bridge over Currituck Sound	Currituck
US-221	Complete 4-laning from Linville to South Carolina	Avery, McDowell, Rutherford
US-220	Complete 4-laning from I-40 to US-1	Guilford, Randolph, Montgomery, Richmond
US-220/NC-68	Complete 4-laning from Virginia Line to I-40	Rockingham, Guilford
US-264	Complete 4-laning from US-64 to Washington (including Wilson and Greenville Bypasses) (including freeway construction from I-95 to Greenville)	Wilson, Greene, Pitt
US-321	Complete 4-laning from Boone to South Carolina Line	Caldwell, Catawba, Lincoln, Gaston
US-421	Complete 4-laning from Tennessee Line to I-40	Watauga, Wilkes, Yadkin
US-421	Complete 4-laning from Greensboro to Sanford (including Bypass of Sanford)	Chatham, Lee
NC-11	<u>New southwest bypass of Greenville from US-264 west of Greenville to NC-11 south of Winterville</u>	Pitt
NC-24	Complete 4-laning from Charlotte to Morehead City	Mecklenburg, Cabarrus, Stanly, Montgomery, Moore,

		Harnett, Cumberland, Sampson, Duplin, Onslow, Carteret
NC-87	Complete 4-laning from Sanford to US-74	Lee, Harnett, Cumberland, Bladen, Columbus
NC-105	Complete 4-laning from Boone to Linville	Watauga, Avery
NC-168	Complete multilaning from Virginia Line to US-158	Currituck
NC-194	Complete 4-laning from US-19E to US-221."	Avery

SECTION 3. This act is effective when it becomes law.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 4, 2003.

Conferees for the Senate

S/Wib Gulley, Chair
S/Daniel G. Clodfelter
S/Larry Shaw
S/Tony Rand
S/Linda Garrou
S/Robert A. Rucho

Conferees for the
House of Representatives

S/Paul Luebke, Chair
S/Jeffrey L. Barnhart
S/Margaret H. Dickson
S/Daniel F. McComas
S/William C. McGee
S/Earline W. Parmon

The conference report is placed on the Calendar for tomorrow, Thursday, June 5, for adoption.

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 Lucas for the **Education/Higher Education Committee**:

H.B. 797 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ASSIST LOCAL SCHOOL ADMINISTRATIVE UNITS ON THE IMPLEMENTATION OF THE NO CHILD LEFT BEHIND ACT OF 2001, with a favorable report.

Upon motion of Senator Lucas, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 975 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PURCHASING FLEXIBILITY FOR THE UNIVERSITY OF NORTH CAROLINA, with a favorable report.

By Senator Soles for the **Commerce Committee**:

H.B. 892 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COMMON LAW DETERMINES WHETHER A DRIVER OF A TRUCK, TRACTOR, OR TRUCK TRACTOR TRAILER OF AN INTERSTATE MOTOR CARRIER IS AN EMPLOYEE SUBJECT TO THE WORKERS' COMPENSATION ACT AND TO DEFINE THE OBLIGATIONS UNDER THE ACT FOR SUCH DRIVERS, 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 30358, which changes the title to read **H.B. 892** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DETERMINE WHETHER A DRIVER OF A TRUCK, TRACTOR, OR TRUCK TRACTOR TRAILER OF AN INTERSTATE OR INTRASTATE MOTOR CARRIER IS AN EMPLOYEE SUBJECT TO THE WORKERS' COMPENSATION ACT AND TO DEFINE THE OBLIGATIONS UNDER THE ACT FOR SUCH DRIVERS, is adopted and engrossed.

H.B. 994 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE STATE, COUNTIES, AND CITIES TO CONSTRUCT PRE-ENGINEERED STRUCTURES WITHOUT HAVING THE PLANS AND SPECIFICATIONS FOR THE STRUCTURES REVIEWED BY A REGISTERED ARCHITECT OR ENGINEER, 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 60365, which changes the title to read **H.B. 994** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE STATE, COUNTIES, AND CITIES TO CONSTRUCT PREENGINEERED STRUCTURES WITHOUT HAVING THE PLANS AND SPECIFICATIONS FOR THE STRUCTURES REVIEWED BY A REGISTERED ARCHITECT OR ENGINEER, is adopted and engrossed.

H.B. 1140 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE QUICK REMOVAL OF VEHICLES, SPILLED CARGO, OR OTHER PERSONAL PROPERTY FROM CONTROLLED-ACCESS HIGHWAYS, 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 60366, which changes the title to read **H.B. 1140** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE QUICK REMOVAL OF VEHICLES, CARGO, OR OTHER PERSONAL PROPERTY FROM CONTROLLED-ACCESS HIGHWAYS AND TO ALLOW DRIVERS TO REMOVE VEHICLES FROM TRAVEL LANES OF A HIGHWAY FOLLOWING MINOR ACCIDENTS, IF THE VEHICLES CAN BE SAFELY MOVED, is adopted and engrossed.

June 4, 2003

By Senator Hoyle for the **Finance Committee**:

S.B. 324, A BILL TO BE ENTITLED AN ACT TO INCREASE THE HOMEOWNERS RECOVERY FUND PERMIT FEE, with a favorable report.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Tuesday, June 10.

S.B. 705, 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. 1260, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM FEES THAT THE BOARD OF EXAMINERS FOR SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS MAY ASSESS FOR CERTAIN FEES, with a favorable report.

S.B. 408, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROCKINGHAM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35299, which changes the title to read **S.B. 408** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF EDEN TO NEGOTIATE ANNEXATION CONTRACTS, is adopted and engrossed.

By Senator Hargett for the **State Government, Local Government, and Veterans' Affairs Committee**:

H.B. 182, A BILL TO BE ENTITLED AN ACT TO NAME THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY, with a favorable report.

H.B. 249 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF WILMINGTON TO ENGAGE IN CONDITIONAL ZONING, with a favorable report.

H.B. 501, A BILL TO BE ENTITLED AN ACT REDRAWING THE ELECTION DISTRICT BOUNDARIES FOR THE TOWN OF ENFIELD IN HALIFAX COUNTY, with a favorable report.

H.B. 550, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF CERTAIN ROADS IN CRAVEN COUNTY, with a favorable report.

H.B. 625 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF ASHEVILLE TO REQUIRE PRETOWING NOTICES BEFORE A MOTOR VEHICLE MAY BE TOWED FROM A PRIVATE LOT, GARAGE, OR OTHER PARKING FACILITY, with a favorable report.

H.B. 665, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DUTIES OF THE BOARD OF SCIENCE AND TECHNOLOGY, with a favorable report.

H.B. 668 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE NEW HANOVER COUNTY OCCUPANCY TAX, with a favorable report.

H.B. 680, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF GRANITE QUARRY, with a favorable report.

H.B. 696, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF WADESBORO TO EXTEND THE MAYOR'S TERM OF OFFICE FROM TWO TO FOUR YEARS AND TO AMEND THE CHARTER OF THE TOWN OF ANSONVILLE TO EXTEND THE MAYOR'S AND COUNCIL MEMBERS' TERMS OF OFFICE FROM TWO TO FOUR YEARS, with a favorable report.

H.B. 928, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE APPALACHIAN STATE UNIVERSITY TO REGULATE PARKING ON CERTAIN STREETS, with a favorable report.

H.B. 1155, A BILL TO BE ENTITLED AN ACT ALLOWING PAYROLL DEDUCTION FOR STATE EMPLOYEES CONTRIBUTING TO THE PARENTAL SAVINGS TRUST FUND, with a favorable report.

H.B. 1210, A BILL TO BE ENTITLED AN ACT MODIFYING THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE NORTH CAROLINA SCHOOL OF THE ARTS, with a favorable report.

H.B. 655 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE ON A PORTION OF PEMBROKE CREEK IN CHOWAN 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 45153, which changes the title to read **H.B. 655** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE ON PEMBROKE CREEK IN CHOWAN COUNTY AND A GATES COUNTY TAX CERTIFICATION REQUIREMENT, is adopted and engrossed.

H.B. 818 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE SAFEKEEPING OF MILITARY DISCHARGE DOCUMENTS AND TO PREVENT DISCLOSURE TO UNAUTHORIZED PARTIES, 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, 60364, is adopted and engrossed.

June 4, 2003

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 840 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT FOLKMOOT USA AS NORTH CAROLINA'S OFFICIAL INTERNATIONAL FESTIVAL AND ADOPTING THE CAROLINA LILY AS THE OFFICIAL WILDFLOWER OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill.

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 tomorrow, Thursday, June 5.

WITHDRAWAL FROM COMMITTEE

H.B. 773 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY, referred to the **Rules and Operations of the Senate Committee** on May 5.

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 **State Government, Local Government, and Veterans' Affairs 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 **State Government, Local Government, and Veterans' Affairs Committee**.

CALENDAR (*continued*)

H.B. 807 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN PROVISIONS OF THE LAW ESTABLISHING THE ELECTIVE SHARE OF A DECEDENT'S SURVIVING SPOUSE.

With unanimous consent, upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 10.

S.B. 292, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF RALEIGH AND THE TOWN OF LAKE WACCAMAW TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS, for concurrence in House Amendment No. 1.

Upon motion of Senator Stevens, the Senate concurs in House Amendment No. 1 (48-0) and the measure is ordered enrolled.

S.B. 939 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SURCHARGE FOR THE TELECOMMUNICATIONS RELAY SERVICE TO INCLUDE WIRELESS COMMUNICATIONS, upon third reading.

Senator Ballantine offers Amendment No. 1 which fails of adoption (22-26).

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 36, noes 12, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Blake, Clodfelter, Dalton, Dannelly, Dorsett, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Lucas, Malone, Metcalf, Purcell, Queen, Rand, Reeves, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas and Weinstein—36.

Voting in the negative: Senators Berger, Bingham, Brock, Carrington, Forrester, Foxx, Moore, Pittenger, Rucho, Sloan, Tillman and Webster—12.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 116 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING NOTICE OF TERMINATION OF FARM MACHINERY AGREEMENTS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM COMMITTEE

H.B. 824 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT ENCROACHMENT ON ITS RIGHTS-OF-WAY FOR THE CONSTRUCTION OF PRIVATE BRIDGES, referred to the **Transportation Committee** on April 23.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Transportation Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 withdrawn from the **Transportation Committee** and re-refers the measure to the **Judiciary II Committee**.

CALENDAR *(continued)*

H.B. 562 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO USE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS DURING A THREE-YEAR PILOT PROGRAM IN DESIGNATED CORRIDORS; TO AUTHORIZE THE CITY OF CHARLOTTE TO ESTABLISH CIVIL PENALTIES FOR SPEED LIMIT AND SCHOOL ZONE SPEED LIMIT VIOLATIONS; AND TO AUTHORIZE THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE SECRETARY OF CRIME CONTROL AND PUBLIC SAFETY TO APPROVE STANDARDS FOR THE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS.

Senator Dannelly offers Amendment No. 1 which is adopted (41-6).

Senator Horton offers Amendment No. 2 which is adopted (47-0).

Senator Dannelly calls the previous question on second reading, seconded by Senator Purcell, which motion prevails (28-19).

The Senate Committee Substitute bill, as amended, passes its second reading (25-22).

Senator Rucho objects to third reading of the measure. Pursuant to Rule 50, the President orders the bill, as amended, placed on the Calendar for tomorrow, Thursday, June 5.

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The Chair grants a leave of absence for the remainder of today's session to Senator Garwood.

H.B. 637 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE SETTLOR OF A REVOCABLE TRUST TO RELIEVE THE TRUSTEE OF DUTIES, RESTRICTIONS, AND LIABILITIES IMPOSED BY THE UNIFORM TRUSTS ACT.

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.

H.B. 656 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE TRUST ADMINISTRATION ACT AND TO MAKE RELATED CHANGES TO THE LAW GOVERNING ACCOUNTINGS IN TESTAMENTARY TRUSTS.

With unanimous consent, upon motion Hartsell, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, June 5.

H.B. 916 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A VACCINATION PROGRAM FOR FIRST RESPONDERS TO TERRORIST INCIDENTS, CATASTROPHIC OR NATURAL DISASTERS, OR EMERGENCIES.

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.

The Chair grants a leave of absence for the remainder of today's session to Senator Kerr.

H.B. 925, A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTY APPEAL IN JUVENILE "PAY ORDER" CASES.

The bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 941, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE ANALYSIS OF THE STATE'S LEGACY INFORMATION TECHNOLOGY SYSTEMS.

The bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 963 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PERSONS CONVICTED OF LEAVING THE SCENE OF AN ACCIDENT INVOLVING INJURY OR DEATH MAY LOSE THEIR LICENSE FOR A PERIOD OF TWO YEARS.

The Senate Committee Substitute bill passes its second reading (45-0).

Senator Rand objects to third reading of the measure. Pursuant to Rule 50, the President, orders the measure placed on the Calendar for tomorrow, Thursday, June 5.

H.B. 1181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE REINSPECTION OF WORKPLACES WHERE WILLFUL SERIOUS VIOLATIONS HAVE BEEN FOUND.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1201, A BILL TO BE ENTITLED AN ACT TO PROMOTE WATER CONSERVATION BY EXPANDING THE DEFINITION OF CONTIGUOUS PREMISES TO INCLUDE MANUFACTURED HOMES AND MANUFACTURED HOME PARKS.

The bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 655 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE DEFINITION OF LOCKSMITH SERVICES UNDER THE LOCKSMITH LICENSING ACT, TO AMEND THE POWERS OF THE NORTH CAROLINA LOCKSMITH LICENSING BOARD TO ALLOW THE BOARD TO EMPLOY AN ATTORNEY AND HAVE CONDUCTED CRIMINAL HISTORY RECORD CHECKS ON APPLICANTS, TO AMEND THE LOCKSMITH LICENSING ACT TO ALLOW THE BOARD TO REGULATE APPRENTICE LOCKSMITHS AND COLLECT FEES, TO CLARIFY THE EXEMPTION FOR TOWING SERVICES UNDER THE ACT, AND TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS OF APPLICANTS FOR LICENSURE OR APPRENTICE DESIGNATION AS A LOCKSMITH.

Senator Smith offers Amendment No. 1 which is adopted (46-0), and changes the title to read **S.B. 655** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE DEFINITION OF LOCKSMITH SERVICES UNDER THE LOCKSMITH LICENSING ACT, TO AMEND THE POWERS OF THE NORTH CAROLINA LOCKSMITH LICENSING BOARD TO ALLOW THE BOARD TO EMPLOY AN ATTORNEY AND HAVE CONDUCTED CRIMINAL HISTORY RECORD CHECKS ON APPLICANTS, TO AMEND THE LOCKSMITH LICENSING ACT TO ALLOW THE BOARD TO REGULATE APPRENTICE LOCKSMITHS AND COLLECT FEES, TO CLARIFY THE EXEMPTION FOR GENERAL CONTRACTORS, TO CLARIFY THE EXEMPTION FOR TOWING SERVICES UNDER THE ACT, AND TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS OF APPLICANTS FOR LICENSURE OR APPRENTICE DESIGNATION AS A LOCKSMITH.

The Committee Substitute bill No. 2, as amended, passes its third reading (44-2) and is ordered engrossed and sent to the House of Representatives.

H.B. 727, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT MEMBERS OF THE SOIL AND WATER CONSERVATION COMMISSION ARE AUTHORIZED TO HOLD OFFICE CONCURRENTLY WITH OTHER ELECTIVE OR APPOINTIVE OFFICES.

The bill passes its third reading (46-0) and is ordered enrolled and sent to the Governor.

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H.B. 1151 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ADMINISTRATIVE PROCEDURE ACT TO REVISE THE PROCEDURE FOR ADOPTING PERMANENT AND TEMPORARY RULES, TO CREATE A PROCEDURE FOR THE ADOPTION OF EMERGENCY RULES, TO CLARIFY THE ROLE OF THE RULES REVIEW COMMISSION, AND TO EXCLUDE THE STATE MEDICAL FACILITIES PLAN FROM THE DEFINITION OF A RULE.

Senator Hartsell offers Amendment No. 1.

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 tomorrow, Thursday, June 5, with Amendment No. 1 pending.

The Chair grants a leave of absence for the remainder of today's session to Senator Hagan.

S.B. 394 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING A CLAIM FOR EQUITABLE DISTRIBUTION TO SURVIVE THE DEATH OF A SPOUSE WHEN THE PARTIES ARE LIVING SEPARATE AND APART AT THE TIME OF DEATH AND THE CLAIM IS TIMELY FILED, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled and sent to the Governor.

Upon motion of Senator Basnight, seconded by Senator Malone, the Senate adjourns subject to receipt of committee reports and reading of messages from the House of Representatives, to meet tomorrow, Thursday, June 5, at 11:00 A.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 315 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO CONTRACTS OF MINORS FOR ARTISTIC, CREATIVE, OR ATHLETIC SERVICES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 5.

S.B. 629 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE REQUIREMENTS FOR SUBORDINATION AGREEMENTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 5.

S.B. 669 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE CIVIL REMEDY FOR PROTECTION OF ANIMALS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO AUTHORIZE THE GENERAL STATUTES COMMISSION TO STUDY THE NEED TO REGULATE "PUPPY MILLS", for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 5.

S.B. 771 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF A PERSON'S CREDIT HISTORY AS A SOLE BASIS FOR TERMINATING INSURANCE COVERAGE OR SUBJECTING A POLICY TO CONSENT TO RATE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 5.

S.B. 775 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONDITIONALLY REQUIRE INSURERS TO PROVIDE INFORMATION REGARDING POLICY LIMITS PRIOR TO LITIGATION WHEN REQUESTED IN WRITING BY THE PERSONS WHO HAVE CLAIMS, OTHER THAN MEDICAL MALPRACTICE CLAIMS, SUBJECT TO NONFLEET PRIVATE PASSENGER AUTOMOBILE INSURANCE POLICIES AND TO GIVE THESE INSURERS THE OPTION OF INITIATING PRELITIGATION MEDIATION OF THE CLAIMS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 5.

S.B. 887 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MANDATE INSURANCE COVERAGE FOR SURVEILLANCE TESTS FOR WOMEN AGE TWENTY-FIVE AND OLDER AND AT RISK FOR OVARIAN CANCER, for concurrence in House Amendment No. 1.

The Committee Substitute bill, as amended, is placed on the Calendar for tomorrow, Thursday, June 5.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 119, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75253, which changes the title to read **S.B. 119** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE TAX CREDITS FOR HISTORIC REHABILITATION BY REMOVING THE SUNSET ON A PROVISION ALLOWING A PASS-THROUGH ENTITY TO ALLOCATE AMONG ITS OWNERS THE TAX CREDIT FOR INCOME-PRODUCING STRUCTURES, INCREASING THE AMOUNT THAT MAY BE ALLOCATED TO AN OWNER UNDER THIS PROVISION, AND ALLOWING BOTH HISTORIC REHABILITATION TAX CREDITS TO BE TAKEN AGAINST FRANCHISE TAX AND GROSS PREMIUMS TAXES, is adopted and engrossed.

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S.B. 301, A BILL TO BE ENTITLED AN ACT RELATING TO FEES, BONDS, AND OTHER FINANCE MATTERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75252, which changes the title to read **S.B. 301** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND TO THE REMAINING TWELVE COUNTIES THE AUTHORITY CURRENTLY GIVEN TO EIGHTY-EIGHT COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR LOCAL BOARDS OF EDUCATION, is adopted and engrossed.

S.B. 452, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF UNION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85250, which changes the title to read **S.B. 452** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY MUNICIPALITIES IN UNION COUNTY, is adopted and engrossed.

S.B. 664, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROPERTY TAX EXEMPTION FOR LAND HELD FOR CONSTRUCTION OF RELIGIOUS 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 65310, which changes the title to read **S.B. 664** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM PROPERTY TAX CONSTRUCTION OF AN ADDITION TO AN EXISTING BUILDING THAT IS EXEMPT, is adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:37 P.M.

SEVENTY-FOURTH DAY

Senate Chamber
Thursday, June 5, 2003

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 Haywood Holderness, Westminister Presbyterian Church, Tarboro, North Carolina as follows:

"Holy God, we give you thanks that we live in the land of plenty, that even with recessions and unemployment and underemployment, there is food enough for all people. All we need to do is make sure that the food gets to the people that need it. We thank you for the work of shelters, and soup kitchens, of senior citizen centers and kids' cafes. We thank you for food banks and other food rescue organizations

which gather food and distribute it through caring agencies. We bless you for Legislators who provide for emergency food funding for food stamps, for school lunch programs. As this summer begins, O God, we are mindful of the millions of children in this country, the hundreds of thousands here in this State who are out of school and no longer have those school lunches, which were their most nutritious daily meal. We pray for non-profit agencies which continue to struggle to find funds to do their ministries in these times of increased demands and scarcer resources. We are mindful of hard working families who struggle to pay for rent and medicine and still be able to feed their families. Finally, O God, we pray for those of us who have wealth, that we may learn the grace of liberality, to joyfully share some portion of our monies with those who seek to feed our citizens. We pray for Legislative Bodies, such as this one, that they will be wise stewards of state funds and also compassionate providers for those who are without. Hear our prayer, O God, in the name of the One we deem to be Holy. Amen."

The Chair grants leaves of absence for today to Senator Carpenter, Senator Dalton, Senator Garwood, Senator Holloman, Senator Kinnaird and Senator Stevens.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, 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. Ross J. Simpson Jr. from Chapel Hill, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 394, AN ACT ALLOWING A CLAIM FOR EQUITABLE DISTRIBUTION TO SURVIVE THE DEATH OF A SPOUSE WHEN THE PARTIES ARE LIVING SEPARATE AND APART AT THE TIME OF DEATH AND THE CLAIM IS TIMELY FILED.

H.B. 116, AN ACT TO AMEND THE LAW GOVERNING NOTICE OF TERMINATION OF FARM MACHINERY AGREEMENTS.

H.B. 253, AN ACT TO MAKE TECHNICAL CHANGES TO THE CONTINUING CARE RETIREMENT (CCR) LAWS.

H.B. 273, AN ACT TO ENSURE THAT EMPLOYEES WHO RECEIVE VACCINATION AGAINST SMALLPOX INCIDENT TO THE ADMINISTRATION OF SMALLPOX COUNTERMEASURES BY HEALTH PROFESSIONALS UNDER SECTION 304 OF THE FEDERAL HOMELAND SECURITY ACT OF 2002 AND ANY HOUSEHOLD MEMBERS LIVING IN THE HOMES OF THESE VACCINATED EMPLOYEES WILL BE COVERED FOR ADVERSE MEDICAL REACTIONS DUE TO THE VACCINATION.

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H.B. 478, AN ACT TO AMEND THE LAW REGARDING THE NORTH CAROLINA CHILD ALERT NOTIFICATION (NC CAN) SYSTEM AND TO RENAME THAT SYSTEM THE AMBER ALERT SYSTEM.

H.B. 609, AN ACT TO ENHANCE LAWS PERTAINING TO THE AMUSEMENT DEVICE SAFETY ACT OF NORTH CAROLINA.

H.B. 706, AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE AND THE GENERAL STATUTES ESTABLISHING A REGIONAL PUBLIC TRANSPORTATION AUTHORITY TO ALLOW THE CITY AND A REGIONAL PUBLIC TRANSPORTATION AUTHORITY TO PURCHASE APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT FOR PUBLIC TRANSIT PURPOSES FROM PERSONS OR ENTITIES THAT HAVE RECENTLY MET STATE BIDDING LAW REQUIREMENTS AND PROVIDED APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT TO THE FEDERAL GOVERNMENT, THE STATE OF NORTH CAROLINA, OR ANOTHER STATE.

H.B. 727, AN ACT TO CLARIFY THAT MEMBERS OF THE SOIL AND WATER CONSERVATION COMMISSION ARE AUTHORIZED TO HOLD OFFICE CONCURRENTLY WITH OTHER ELECTIVE OR APPOINTIVE OFFICES.

H.B. 883, AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO TEMPORARILY WAIVE CERTAIN REQUIREMENTS OF THE MENTAL HEALTH COMMITMENT STATUTES TO FURTHER MENTAL HEALTH REFORM EFFORTS.

H.B. 925, AN ACT TO ALLOW COUNTY APPEAL IN JUVENILE "PAY ORDER" CASES.

H.B. 941, AN ACT PROVIDING FOR THE ANALYSIS OF THE STATE'S LEGACY INFORMATION TECHNOLOGY SYSTEMS.

H.B. 1063, AN ACT TO REQUIRE OPERATORS OF CHILD CARE FACILITIES TO PROVIDE TO PARENTS THE DIVISION OF CHILD DEVELOPMENT'S SUMMARY OF THE LAWS RELATING TO CHILD CARE FACILITIES, TO REQUIRE THE DIVISION OF CHILD DEVELOPMENT TO INCLUDE IN ITS SUMMARY A STATEMENT ON HOW PARENTS MAY OBTAIN INFORMATION ON INDIVIDUAL CHILD CARE FACILITIES, AND TO REQUIRE CHILD CARE FACILITIES TO POST THE SUMMARY IN A PROMINENT PLACE.

H.B. 1093, AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE NORTH CAROLINA INSURANCE GUARANTY ASSOCIATION ACT.

H.B. 1181, AN ACT REQUIRING THE REINSPECTION OF WORKPLACES WHERE WILLFUL SERIOUS VIOLATIONS HAVE BEEN FOUND.

H.B. 1201, AN ACT TO PROMOTE WATER CONSERVATION BY

EXPANDING THE DEFINITION OF CONTIGUOUS PREMISES TO INCLUDE MANUFACTURED HOMES AND MANUFACTURED HOME PARKS.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 292, AN ACT AUTHORIZING THE CITY OF RALEIGH AND THE TOWN OF LAKE WACCAMAW TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS.

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. 89, AN ACT TO REPEAL A LOCAL ACT APPLYING TO FORSYTH COUNTY CONCERNING FIRE AND RESCUE DISTRICTS, SO THE GENERAL LAW WILL APPLY. (Became law upon ratification, June 3, 2003–S.L. 2003-129.)

H.B. 351, AN ACT TO AUTHORIZE THE CITY OF SALISBURY TO ADOPT AND ENFORCE ORDINANCES RELATING TO PARKING. (Became law upon ratification, June 3, 2003–S.L. 2003-130.)

H.B. 421, AN ACT TO MAKE VETERANS DAY A HOLIDAY FOR SCHOOL PERSONNEL. (Became law upon approval of the Governor, June 4, 2003–S.L. 2003-131.)

H.B. 627, AN ACT TO AUTHORIZE THE CITY OF GREENSBORO AND THE TOWN OF KERNERSVILLE TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS. (Became law upon ratification, June 4, 2003–S.L. 2003-132.)

H.B. 735, AN ACT AUTHORIZING THE CITY OF DURHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR. (Became law upon ratification, June 4, 2003–S.L. 2003-133.)

H.B. 776, AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO TO GIVE THE CITY MANAGER GREATER AUTHORITY TO APPROVE CERTAIN CONTRACTS. (Became law upon ratification, June 4, 2003–S.L. 2003-134.)

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:

June 5, 2003

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 965 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PENALTIES FOR PERSONS WHO CAUSE BODILY INJURY OR DEATH WHEN FAILING TO YIELD THE RIGHT-OF-WAY UNDER CERTAIN CIRCUMSTANCES, with a favorable report.

By Senator Purcell for the **Health and Human Resources Committee**:

S.B. 672, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE QUALITY AND ACCOUNTABILITY OF THE PUBLIC HEALTH SYSTEM BY STRENGTHENING THE PUBLIC HEALTH INFRASTRUCTURE, TO IMPROVE PUBLIC HEALTH OUTCOMES AND REDUCE HEALTH DISPARITIES BY THE DEVELOPMENT OF STATE AND LOCAL COMPREHENSIVE PUBLIC HEALTH PLANS, AND TO IMPROVE THE PUBLIC HEALTH WORKFORCE BY ENHANCING COLLABORATION WITH PUBLIC AND PRIVATE SECTOR ENTITIES AND IMPOSING PERFORMANCE STANDARDS FOR PUBLIC HEALTH PRACTICE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35309, is adopted and engrossed.

S.B. 852, A BILL TO BE ENTITLED AN ACT TO EXPAND THE ADVANCE HEALTH CARE DIRECTIVES REGISTRY TO INCLUDE A SEPARATE REGISTRY FOR REGISTRATION OF CONSENT FOR ORGAN, TISSUE, OR EYE DONATION; TO ESTABLISH THE LIFE DECISIONS REGISTRY TRUST FUND; TO PROVIDE FOR VOLUNTARY DONATIONS TO THE LIFE DECISIONS REGISTRY TRUST FUND THROUGH INCOME TAX REFUND CONTRIBUTIONS AND THROUGH CONTRIBUTIONS MADE AT THE TIME OF APPLICATION FOR DRIVERS LICENSE AND MOTOR VEHICLE REGISTRATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40043, which changes the title to read **S.B. 852** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE INTERNET ACCESS BY ORGAN PROCUREMENT ORGANIZATIONS AND EYE BANKS TO INFORMATION IN DIVISION OF MOTOR VEHICLE RECORDS PERTAINING TO ORGAN DONATION; TO ESTABLISH THE "LICENSE TO GIVE TRUST FUND" TO FUND INITIATIVES THAT EDUCATE AND PROMOTE ORGAN AND TISSUE DONATION; TO AUTHORIZE INDIVIDUAL CONTRIBUTIONS OF ONE DOLLAR TO THE "LICENSE TO GIVE TRUST FUND" TO BE COLLECTED AT THE TIME OF DRIVERS LICENSE OR SPECIAL IDENTIFICATION CARD APPLICATION AT MOTOR VEHICLE OFFICES; AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT, is adopted and engrossed.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

H.B. 152 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING CHILD CARE FACILITIES TO PLACE CHILDREN IN A SLEEPING POSITION THAT REDUCES THE RISK OF SUDDEN INFANT

DEATH SYNDROME (SIDS), PROHIBITING THE ADMINISTRATION OF MEDICATION TO A CHILD IN A LICENSED OR UNLICENSED CHILD CARE FACILITY WITHOUT PROPER AUTHORIZATION FROM THE CHILD'S PARENT OR GUARDIAN, AND REQUIRING CERTAIN AGENCIES AND THE MEDICAL COMMUNITY TO COOPERATE IN INVESTIGATING REPORTS OF CHILD ABUSE AND NEGLECT IN CHILD CARE FACILITIES, 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 60370, which changes the title to read **H.B. 152** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CHILD CARE FACILITIES TO DEVELOP AND MAINTAIN A SAFE SLEEP POLICY THAT INCLUDES REQUIRING CAREGIVERS TO PLACE CHILDREN ON THEIR BACK TO SLEEP TO REDUCE THE RISK OF SUDDEN INFANT DEATH SYNDROME (SIDS), AND TO REQUIRE CERTAIN AGENCIES AND THE MEDICAL COMMUNITY TO COOPERATE IN INVESTIGATING REPORTS OF CHILD ABUSE AND NEGLECT IN CHILD CARE FACILITIES, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

H.B. 270, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE INSURANCE LAWS, with a favorable report.

H.B. 1129 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE SERVICE REQUIREMENTS TO CONFORM WITH RULE 4 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE, AND TO MAKE TECHNICAL AND OTHER CHANGES TO THE WAGE AND HOUR ACT AND THE PRIVATE PERSONNEL SERVICES ACT, with a favorable report.

Pursuant to Rule 43, the committee substitute bill is re-referred to the **Finance Committee**.

H.B. 974, A BILL TO BE ENTITLED AN ACT TO PROHIBIT ANY DEPARTMENT, INSTITUTION, OR AGENCY OF THE STATE FROM PURCHASING FOOD PRODUCTS CONTAINING MILK PROTEIN CONCENTRATE OR RECONSTITUTED MILK, 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 30361, which changes the title to read **H.B. 974** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT STATE AGENCIES FROM PURCHASING RECONSTITUTED MILK, is adopted and engrossed.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 838, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE FISHERIES DIRECTOR TO ISSUE PROCLAMATIONS THAT BECOME EFFECTIVE IMMEDIATELY UPON ISSUANCE AND TO MAKE OTHER TECHNICAL, CLARIFYING, AND CONFORMING CHANGES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

June 5, 2003

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35311, which changes the title to read **S.B. 838** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE TO CONDUCT VARIOUS STUDIES RELATED TO MARINE FISHERIES, is adopted and engrossed.

Upon motion of Senator Albertson, the Committee Substitute bill is re-referred to the **Rules and Operations of the Senate Committee**.

S.B. 945, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES SHALL MODIFY THE PERMIT PROCESS FOR CERTAIN AIR QUALITY PERMITS, SHALL CONDUCT A THOROUGH REVIEW OF THE ENVIRONMENTAL PERMIT PROGRAMS TO IDENTIFY IMPEDIMENTS TO THE TIMELY ISSUANCE OF PERMITS BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND SHALL MAKE RECOMMENDATIONS FOR MODIFICATIONS TO THESE PROGRAMS IN ORDER TO ENHANCE ECONOMIC DEVELOPMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35310, is adopted and engrossed.

Upon motion of Senator Albertson, the Committee Substitute bill is re-referred to the **Finance Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 786 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND LIABILITY RULES THAT APPLY TO CIVIL PARKING AND RED LIGHT CAMERA ENFORCEMENT ACTIONS.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 10.

H.B. 1120 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE APPOINTMENT OF CERTAIN HIGH SCHOOL STUDENTS AS STUDENT ELECTION ASSISTANTS AND TO MAKE OTHER CHANGES TO THE ELECTION LAWS.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 10.

S.B. 384 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN AND WILMINGTON URBAN LOOPS AND OTHER INTRASTATE IMPROVEMENT PROJECTS, for adoption.

With unanimous consent, upon motion of Senator Gulley, the Conference Report is withdrawn from today's Calendar and is re-referred to the **Conference Committee**.

H.B. 963 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PERSONS CONVICTED OF LEAVING THE

SCENE OF AN ACCIDENT INVOLVING INJURY OR DEATH MAY LOSE THEIR LICENSE FOR A PERIOD OF TWO YEARS.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 10.

S.B. 840 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT FOLKMOOT USA AS NORTH CAROLINA'S OFFICIAL INTERNATIONAL FESTIVAL AND ADOPTING THE CAROLINA LILY AS THE OFFICIAL WILDFLOWER OF NORTH CAROLINA.

Upon motion of Senator Rand, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, June 12.

H.B. 994 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE STATE, COUNTIES, AND CITIES TO CONSTRUCT PREENGINEERED STRUCTURES WITHOUT HAVING THE PLANS AND SPECIFICATIONS FOR THE STRUCTURES REVIEWED BY A REGISTERED ARCHITECT OR ENGINEER.

Upon motion of Senator Soles, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 10.

H.B. 975 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PURCHASING FLEXIBILITY FOR THE UNIVERSITY OF NORTH CAROLINA.

Upon motion of Senator Metcalf, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 10.

H.B. 680, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF GRANITE QUARRY.

With unanimous consent, upon motion of Senator Kerr, the bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

H.B. 182, A BILL TO BE ENTITLED AN ACT TO NAME THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 10.

S.B. 408 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF EDEN TO NEGOTIATE ANNEXATION CONTRACTS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carrington, Clodfelter, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gullely, Hagan, Hargett, Hartsell, Horton, Jenkins, Kerr, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Swindell, Thomas, Tillman, Webster and Weinstein—43.

Voting in the negative: None.

June 5, 2003

The Committee Substitute bill remains on the Calendar for Monday, June 9, upon third reading.

S.B. 452 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY MUNICIPALITIES IN UNION COUNTY, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carrington, Clodfelter, Dannelly, Dorsett, Forrester, Foy, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Jenkins, Kerr, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Swindell, Thomas, Tillman, Webster and Weinstein—43.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, June 9, upon third reading.

H.B. 249 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF WILMINGTON TO ENGAGE IN CONDITIONAL ZONING.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered enrolled.

H.B. 501, A BILL TO BE ENTITLED AN ACT REDRAWING THE ELECTION DISTRICT BOUNDARIES FOR THE TOWN OF ENFIELD IN HALIFAX COUNTY.

The bill passes its second (43-0) and third readings and is ordered enrolled.

H.B. 550, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF CERTAIN ROADS IN CRAVEN COUNTY.

The bill passes its second (43-0) and third readings and is ordered enrolled.

H.B. 625 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF ASHEVILLE TO REQUIRE PRETOWING NOTICES BEFORE A MOTOR VEHICLE MAY BE TOWED FROM A PRIVATE LOT, GARAGE, OR OTHER PARKING FACILITY.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered enrolled.

Upon the appearance of Senator Stevens in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

H.B. 655 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE ON PEMBROKE CREEK IN CHOWAN COUNTY AND A GATES COUNTY TAX CERTIFICATION REQUIREMENT.

The Senate Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 668 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE NEW HANOVER COUNTY OCCUPANCY TAX.

The Committee Substitute bill passes its second (43-1) and third readings and is ordered enrolled.

H.B. 696, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF WADESBORO TO EXTEND THE MAYOR'S TERM OF OFFICE FROM TWO TO FOUR YEARS AND TO AMEND THE CHARTER OF THE TOWN OF ANSONVILLE TO EXTEND THE MAYOR'S AND COUNCIL MEMBERS' TERMS OF OFFICE FROM TWO TO FOUR YEARS.

Senator Purcell offers Amendment No. 1 which is adopted (44-0).

The bill, as amended, passes its second (44-0) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

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. 440, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WENTWORTH TO EXEMPT AGRICULTURAL LAND USES WITHIN THAT JURISDICTION FROM ZONING, 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 80325, which changes the title to read **H.B. 440** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WENTWORTH TO EXEMPT AGRICULTURAL LAND USES WITHIN THAT JURISDICTION FROM ZONING AND TO PROVIDE FOR THE CREATION OF ECONOMIC DEVELOPMENT AND TRAINING DISTRICTS, is adopted and engrossed.

By Senator Lucas for the **Education/Higher Education Committee**:

H.B. 801, A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATE COMPETENCY TESTING PROGRAM TO ENSURE THAT HIGH SCHOOL STUDENTS WHO DO NOT PASS THE COMPETENCY TEST ARE GIVEN AN OPPORTUNITY TO TAKE AN ALTERNATIVE TEST, 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 30367, is adopted and engrossed.

H.B. 1070, A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXPENDITURE BENCHMARK FOR A SPECIAL RESPONSIBILITY CONSTITUENT INSTITUTION FOR CERTAIN PURCHASING CONTRACTS, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

June 5, 2003

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 45155, is adopted and engrossed.

Upon motion of Senator Lucas, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 317 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE BOARD OF EDUCATION TO IDENTIFY AND PROVIDE ASSISTANCE TO LOW-PERFORMING SCHOOL ADMINISTRATIVE UNITS, 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 60369, which changes the title to read **H.B. 317** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE BOARD OF EDUCATION TO IDENTIFY AND PROVIDE ASSISTANCE TO LOW-PERFORMING AND PRIORITY SCHOOL ADMINISTRATIVE UNITS, is adopted and engrossed.

Upon motion of Senator Lucas, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 1135 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT STUDENTS RECOMMENDED FOR LONG-TERM SUSPENSION RECEIVE A FREE AND APPROPRIATE EDUCATION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30365, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 301 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND TO THE REMAINING TWELVE COUNTIES THE AUTHORITY CURRENTLY GIVEN TO EIGHTY-EIGHT COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR LOCAL BOARDS OF EDUCATION, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 41, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Carrington, Clodfelter, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Jenkins, Kerr, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—41.

Voting in the negative: Senators Brock, Shubert and Webster—3.

The Committee Substitute bill remains on the Calendar for Monday, June 9, upon third reading.

S.B. 705, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, upon second reading.

Senator Kerr offers Amendment No. 1 which is adopted (44-0).

The bill, as amended, passes its second reading, by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carrington, Clodfelter, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Jenkins, Kerr, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—43.

Voting in the negative: Senator Webster—1.

The bill, as amended, remains on the Calendar for Monday, June 9, upon third reading.

H.B. 1260, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM FEES THAT THE BOARD OF EXAMINERS FOR SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS MAY ASSESS FOR CERTAIN FEES, 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carrington, Clodfelter, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Jenkins, Kerr, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—44.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 9, upon third reading.

S.B. 119 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE TAX CREDITS FOR HISTORIC REHABILITATION BY REMOVING THE SUNSET ON A PROVISION ALLOWING A PASS-THROUGH ENTITY TO ALLOCATE AMONG ITS OWNERS THE TAX CREDIT FOR INCOME-PRODUCING STRUCTURES, INCREASING THE AMOUNT THAT MAY BE ALLOCATED TO AN OWNER UNDER THIS PROVISION, AND ALLOWING BOTH HISTORIC REHABILITATION TAX CREDITS TO BE TAKEN AGAINST FRANCHISE TAX AND GROSS PREMIUMS TAXES.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 664 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM PROPERTY TAX CONSTRUCTION OF AN ADDITION TO AN EXISTING BUILDING THAT IS EXEMPT.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

H.B. 147 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LEFT TURNS ON RED IN CERTAIN SITUATIONS, TO CLARIFY WHEN A PEDESTRIAN HAS THE RIGHT-OF-WAY, AND TO INCREASE THE PENALTY AND DRIVERS LICENSE POINTS ASSESSED FOR FAILING TO YIELD THE RIGHT-OF-WAY TO A PEDESTRIAN.

Senator Hartsell offers Amendment No. 1 which is adopted (44-0).

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 second reading (29-16).

Senator Dalton objects to third reading of the measure. Pursuant to Rule 50, the President, orders the measure placed on the Calendar for Tuesday, June 10.

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. 656 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE TRUST ADMINISTRATION ACT AND TO MAKE RELATED CHANGES TO THE LAW GOVERNING ACCOUNTINGS IN TESTAMENTARY TRUSTS.

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. 665, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DUTIES OF THE BOARD OF SCIENCE AND TECHNOLOGY.

The bill passes its second (45-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 818 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE SAFEKEEPING OF MILITARY DISCHARGE DOCUMENTS AND TO PREVENT DISCLOSURE TO UNAUTHORIZED PARTIES.

The Senate Committee Substitute bill No. 2 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 No. 2.

H.B. 892 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DETERMINE WHETHER A DRIVER OF A TRUCK, TRACTOR, OR TRUCK TRACTOR TRAILER OF AN INTERSTATE OR INTRASTATE MOTOR CARRIER IS AN EMPLOYEE SUBJECT TO THE WORKERS' COMPENSATION ACT AND TO DEFINE THE OBLIGATIONS UNDER THE ACT FOR SUCH DRIVERS.

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. 928, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE APPALACHIAN STATE UNIVERSITY TO REGULATE PARKING ON CERTAIN STREETS.

The bill passes its second (45-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1123 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPRESSLY PROVIDE FOR LIMITED GUARDIANSHIPS FOR

INCOMPETENT PERSONS AND TO CLARIFY THE DUTY OF A GUARDIAN AD LITEM APPOINTED TO REPRESENT A PERSON IN AN INCOMPETENCY ADJUDICATION AND TO CLARIFY THE APPOINTMENT OF GUARDIAN AD LITEMS UNDER RULE 17 OF THE RULES OF CIVIL PROCEDURE.

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. 1140 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE QUICK REMOVAL OF VEHICLES, CARGO, OR OTHER PERSONAL PROPERTY FROM CONTROLLED-ACCESS HIGHWAYS AND TO ALLOW DRIVERS TO REMOVE VEHICLES FROM TRAVEL LANES OF A HIGHWAY FOLLOWING MINOR ACCIDENTS, IF THE VEHICLES CAN BE SAFELY MOVED.

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.

WITHDRAWAL FROM COMMITTEE

S.B. 75, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on February 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**.

CALENDAR *(continued)*

H.B. 1155, A BILL TO BE ENTITLED AN ACT ALLOWING PAYROLL DEDUCTION FOR STATE EMPLOYEES CONTRIBUTING TO THE PARENTAL SAVINGS TRUST FUND.

The bill passes its second (45-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1210, A BILL TO BE ENTITLED AN ACT MODIFYING THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE NORTH CAROLINA SCHOOL OF THE ARTS.

The bill passes its second (45-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 562 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO USE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS DURING A THREE-YEAR PILOT PROGRAM IN DESIGNATED CORRIDORS; TO AUTHORIZE THE CITY OF CHARLOTTE TO ESTABLISH CIVIL PENALTIES FOR SPEED LIMIT AND SCHOOL ZONE SPEED LIMIT VIOLATIONS; AND TO AUTHORIZE THE NORTH CAROLINA

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE SECRETARY OF CRIME CONTROL AND PUBLIC SAFETY TO APPROVE STANDARDS FOR THE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS, as amended on second reading.

Upon motion of Senator Dannelly, the Senate Committee Substitute bill, as amended, is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 10.

H.B. 1151 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ADMINISTRATIVE PROCEDURE ACT TO REVISE THE PROCEDURE FOR ADOPTING PERMANENT AND TEMPORARY RULES, TO CREATE A PROCEDURE FOR THE ADOPTION OF EMERGENCY RULES, TO CLARIFY THE ROLE OF THE RULES REVIEW COMMISSION, AND TO EXCLUDE THE STATE MEDICAL FACILITIES PLAN FROM THE DEFINITION OF A RULE, with amendment No. 1 pending.

Senator Hartsell withdraws Amendment No. 1.

The Senate Committee Substitute bill passes its third reading (45-0) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 315 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO CONTRACTS OF MINORS FOR ARTISTIC, CREATIVE, OR ATHLETIC SERVICES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Horton, the Senate concurs in the House Committee Substitute bill (44-1) and the measure is ordered enrolled and sent to the Governor.

S.B. 629 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE REQUIREMENTS FOR SUBORDINATION AGREEMENTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 669 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE CIVIL REMEDY FOR PROTECTION OF ANIMALS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO AUTHORIZE THE GENERAL STATUTES COMMISSION TO STUDY THE NEED TO REGULATE "PUPPY MILLS", for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 771 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF A PERSON'S CREDIT HISTORY AS A SOLE BASIS FOR TERMINATING INSURANCE COVERAGE OR SUBJECTING A POLICY TO CONSENT TO RATE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Thomas, the Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 775 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONDITIONALLY REQUIRE INSURERS TO PROVIDE INFORMATION REGARDING POLICY LIMITS PRIOR TO LITIGATION WHEN REQUESTED IN WRITING BY THE PERSONS WHO HAVE CLAIMS, OTHER THAN MEDICAL MALPRACTICE CLAIMS, SUBJECT TO NONFLEET PRIVATE PASSENGER AUTOMOBILE INSURANCE POLICIES AND TO GIVE THESE INSURERS THE OPTION OF INITIATING PRELITIGATION MEDIATION OF THE CLAIMS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dalton, the Senate fails to concur in the House Committee Substitute bill (0-45). Senator Dalton offers a motion to appoint conferees which motion prevails.

S.B. 887 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MANDATE INSURANCE COVERAGE FOR SURVEILLANCE TESTS FOR WOMEN AGE TWENTY-FIVE AND OLDER AND AT RISK FOR OVARIAN CANCER, for concurrence in House Amendment No. 1.

Upon motion of Senator Soles, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 10.

WITHDRAWAL FROM CALENDAR

H.B. 562 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO USE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS DURING A THREE-YEAR PILOT PROGRAM IN DESIGNATED CORRIDORS; TO AUTHORIZE THE CITY OF CHARLOTTE TO ESTABLISH CIVIL PENALTIES FOR SPEED LIMIT AND SCHOOL ZONE SPEED LIMIT VIOLATIONS; AND TO AUTHORIZE THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE SECRETARY OF CRIME CONTROL AND PUBLIC SAFETY TO APPROVE STANDARDS FOR THE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS, as amended on second reading, placed on the Calendar for Tuesday, June 10.

Senator Dannelly offers a motion that the Senate Committee Substitute bill, as amended, be withdrawn from the Calendar for Tuesday, June 10, and placed before the Senate for immediate consideration, which motion prevails with unanimous consent.

The Committee Substitute bill, as amended, passes its third reading (25-20) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 439 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, June 9.

June 5, 2003

H.J.R. 1328, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF REVERENDS ADOLPHEUS NUSSMAN AND GOTTFRIED ARENDS ON THE 200TH ANNIVERSARY OF THE NORTH CAROLINA SYNOD OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA.

Referred to **Rules and Operations of the Senate Committee**.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 775 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONDITIONALLY REQUIRE INSURERS TO PROVIDE INFORMATION REGARDING POLICY LIMITS PRIOR TO LITIGATION WHEN REQUESTED IN WRITING BY THE PERSONS WHO HAVE CLAIMS, OTHER THAN MEDICAL MALPRACTICE CLAIMS, SUBJECT TO NONFLEET PRIVATE PASSENGER AUTOMOBILE INSURANCE POLICIES AND TO GIVE THESE INSURERS THE OPTION OF INITIATING PRELITIGATION MEDIATION OF THE CLAIMS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 775 earlier today and the motion by Senator Dalton to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Dalton, Chair, and Senator Hartsell and Senator Thomas as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

Upon motion of Senator Dannelly, seconded by Senator Weinstein, the Senate adjourns at 12:50 P.M. to meet Monday, June 9, at 7:00 P.M.

SEVENTY-FIFTH DAY

Senate Chamber
Monday, June 9, 2003

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 one-liners we learned as children sometimes come back to instruct us. 'Anything good is worth waiting for.' our parents taught us. 'Patience produces character and character produces hope.' Holy Scripture reminds us.

"Patience in our world is a precarious and rare commodity. As the Senate begins this week's activities we pray that an abundant measure of patience and hope will permeate their proceedings and encourage their spirits.

"Tonight, also, we realize it must be a difficult day today for Senator Carpenter, whose daughter died this afternoon. Give him a strong sense of the eternal hope that can only be found in You. In Your Holy Name we pray, Amen."

The Chair grants leaves of absence for tonight to Senator Carpenter, Senator Forrester and Senator Garwood.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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.

The President of the Senate extends courtesies of the floor to Dr. Timothy P. Bukowski from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day.

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

H.B. 440 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WENTWORTH TO EXEMPT AGRICULTURAL LAND USES WITHIN THAT JURISDICTION FROM ZONING AND TO PROVIDE FOR THE CREATION OF ECONOMIC DEVELOPMENT AND TRAINING DISTRICTS.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, June 10, upon second reading.

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 **State Government, Local Government, and Veterans' Affairs Committee**:

H.B. 1221, A BILL TO BE ENTITLED AN ACT REQUIRING THE RETURN OF OVERPAYMENTS OF STATE FUNDS BY PERSONS IN STATE-SUPPORTED POSITIONS, 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 80323, is adopted and engrossed.

H.B. 248 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE CITY OF WILMINGTON TO DISCLOSE LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS, 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 70338, is adopted and engrossed.

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By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 787, A BILL TO BE ENTITLED AN ACT TO ESTABLISH EQUITY IN REPORTING REQUIREMENTS BETWEEN FEDERAL POLITICAL COMMITTEES AND NORTH CAROLINA POLITICAL COMMITTEES, 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 50290, is adopted and engrossed.

H.B. 408 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SECRET PEEPING STATUTE AND TO MAKE CONFORMING CHANGES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70341, is adopted and engrossed.

H.B. 926 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF ASSAULT IN THE PRESENCE OF A CHILD, 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 70342, which changes the title to read **H.B. 926** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PENALTY FOR AN ASSAULT IN THE PRESENCE OF A MINOR, is adopted and engrossed.

H.B. 1171 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW PROHIBITING HAZING, 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 60372, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 826, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONFIDENTIALITY PROVISIONS OF CHAPTER 122C OF THE GENERAL STATUTES TO PERMIT IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM, 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 60374, is adopted and engrossed.

H.B. 785 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE RULE 45 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE, 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 60375, is adopted and engrossed.

H.B. 1037 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CRIMINAL PENALTIES FOR ALLOWING JUVENILES TO ESCAPE AND TO ALLOW JUVENILE DETENTION FACILITIES TO PHOTOGRAPH JUVENILES AND TO RELEASE THE PHOTOGRAPHS WHEN THE JUVENILE ESCAPES, 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 60373, is adopted and engrossed.

H.B. 824 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT ENCROACHMENT ON ITS RIGHTS-OF-WAY FOR THE CONSTRUCTION OF PRIVATE BRIDGES, 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 80327, is adopted and engrossed.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 315, AN ACT RELATING TO CONTRACTS OF MINORS FOR ARTISTIC, CREATIVE, OR ATHLETIC SERVICES.

S.B. 629, AN ACT TO CLARIFY THE REQUIREMENTS FOR SUBORDINATION AGREEMENTS.

S.B. 669, AN ACT TO AMEND THE LAW REGARDING THE CIVIL REMEDY FOR PROTECTION OF ANIMALS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO AUTHORIZE THE GENERAL STATUTES COMMISSION TO STUDY THE NEED TO REGULATE "PUPPY MILLS".

S.B. 771, AN ACT TO PROHIBIT THE USE OF A PERSON'S CREDIT HISTORY AS A SOLE BASIS FOR TERMINATING INSURANCE COVERAGE OR SUBJECTING A POLICY TO CONSENT TO RATE.

H.B. 201, AN ACT TO REQUIRE A REVIEW PROCEDURE TO ENSURE THAT CANDIDATES' NAMES APPEAR ON THE BALLOT IN ACCORDANCE WITH LAW.

H.B. 276, AN ACT TO MAKE SUBSTANTIVE AND TECHNICAL AMENDMENTS IN THE LAWS CONCERNING INSURANCE COMPANY SOLVENCY AND TO PROHIBIT OFFICERS AND EMPLOYEES OF THE STATE AND ITS POLITICAL SUBDIVISIONS FROM REQUIRING CONSTRUCTION CONTRACT BIDDERS TO OBTAIN SURETY BONDS FROM SURETIES OR PRODUCERS DESIGNATED BY THE OFFICERS AND EMPLOYEES.

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H.B. 357, AN ACT TO PROHIBIT A PERSON THAT ACCEPTS CREDIT, CHARGE, OR DEBIT CARDS FOR THE TRANSACTION OF BUSINESS FROM PRINTING MORE THAN FIVE DIGITS OF A CREDIT, CHARGE, OR DEBIT CARD ACCOUNT NUMBER OR AN EXPIRATION DATE ON A SALES RECEIPT AND TO PROHIBIT A PERSON FROM SELLING A CASH REGISTER OR OTHER MACHINE OR DEVICE THAT ELECTRONICALLY PRINTS RECEIPTS OF CREDIT, CHARGE, OR DEBIT CARD TRANSACTIONS THAT CANNOT BE PROGRAMMED OR OPERATED TO PRODUCE A RECEIPT WITH FIVE OR FEWER DIGITS OF THE CREDIT, CHARGE, OR DEBIT CARD ACCOUNT NUMBER AND NO EXPIRATION DATE PRINTED ON THE RECEIPT.

H.B. 665, AN ACT TO MODIFY THE DUTIES OF THE BOARD OF SCIENCE AND TECHNOLOGY.

H.B. 928, AN ACT TO AUTHORIZE APPALACHIAN STATE UNIVERSITY TO REGULATE PARKING ON CERTAIN STREETS.

H.B. 1024, AN ACT ADOPTING THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT FOR NORTH CAROLINA.

H.B. 1155, AN ACT ALLOWING PAYROLL DEDUCTION FOR STATE EMPLOYEES CONTRIBUTING TO THE PARENTAL SAVINGS TRUST FUND.

H.B. 1210, AN ACT MODIFYING THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE NORTH CAROLINA SCHOOL OF THE ARTS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 249, AN ACT TO PERMIT THE CITY OF WILMINGTON TO ENGAGE IN CONDITIONAL ZONING.

H.B. 501, AN ACT REDRAWING THE ELECTION DISTRICT BOUNDARIES FOR THE TOWN OF ENFIELD IN HALIFAX COUNTY.

H.B. 550, AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF CERTAIN ROADS IN CRAVEN COUNTY.

H.B. 625, AN ACT AUTHORIZING THE CITY OF ASHEVILLE TO REQUIRE PRETOWING NOTICES BEFORE A MOTOR VEHICLE MAY BE TOWED FROM A PRIVATE LOT, GARAGE, OR OTHER PARKING FACILITY.

H.B. 668, AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE NEW HANOVER COUNTY OCCUPANCY TAX.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the

following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 900, AN ACT MODIFYING THE DEFINITION OF "RESTAURANT" FOR ABC PERMITS. (Became law upon approval of the Governor, June 4, 2003–S.L. 2003-135.)

H.B. 1175, AN ACT ALLOWING FAIR HOUSING ORGANIZATIONS TO FILE COMPLAINTS WITH THE STATE HUMAN RELATIONS COMMISSION. (Became law upon approval of the Governor, June 4, 2003–S.L. 2003-136.)

H.B. 358, AN ACT TO INCREASE THE DAMAGE AMOUNTS ON DEFINED MOTOR VEHICLE ACCIDENTS. (Became law upon approval of the Governor, June 4, 2003–S.L. 2003-137.)

H.B. 864, AN ACT INCREASING THE EFFICIENCY OF GUARANTEED ENERGY SAVINGS CONTRACTS FOR STATE GOVERNMENTAL UNITS. (Became law upon approval of the Governor, June 4, 2003–S.L. 2003-138.)

H.B. 978, AN ACT ALLOWING THE NORTH CAROLINA VETERINARY MEDICAL BOARD TO ENTER INTO AGREEMENTS WITH ORGANIZATIONS THAT HAVE DEVELOPED PROGRAMS FOR IMPAIRED VETERINARY PERSONNEL. (Became law upon approval of the Governor, June 4, 2003–S.L. 2003-139.)

H.B. 1048, AN ACT TO MAKE REVISIONS TO THE JUVENILE CODE AS RECOMMENDED BY THE NORTH CAROLINA JUVENILE COURT IMPROVEMENT PROJECT. (Became law upon approval of the Governor, June 4, 2003–S.L. 2003-140.)

H.B. 352, AN ACT TO AMEND THE LAW REGARDING DRUG SCREENING AND ASSESSMENT OF A CRIMINAL DEFENDANT FOR CHEMICAL DEPENDENCY, AS RECOMMENDED BY THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION. (Became law upon approval of the Governor, June 4, 2003–S.L. 2003-141.)

H.B. 821, AN ACT TO SIMPLIFY THE PROCESS OF FILLING A VACANCY ON A PARTY TICKET. (Became law upon approval of the Governor, June 4, 2003–S.L. 2003-142.)

H.B. 560, AN ACT TO DISAPPROVE THE ADMINISTRATIVE RULES GOVERNING LIFE INSURANCE REPLACEMENT. (Became law upon approval of the Governor, June 4, 2003–S.L. 2003-143.)

H.B. 829, AN ACT TO ADOPT THE NAIC MODEL STANDARD NONFORFEITURE LAW FOR INDIVIDUAL DEFERRED ANNUITIES. (Became law upon approval of the Governor, June 4, 2003–S.L. 2003-144.)

H.B. 55, AN ACT TO AUTHORIZE FIRE DEPARTMENTS TO HONOR RETIRING OR DECEASED FIREFIGHTERS BY AWARDING THEIR FIRE

June 9, 2003

HELMETS TO THEM OR TO A SURVIVING RELATIVE. (Became law upon approval of the Governor, June 4, 2003–S.L. 2003-145.)

S.B. 522, AN ACT TO CHANGE THE METHOD BY WHICH CERTAIN MEMBERS ON THE NORTH CAROLINA BOARD OF NURSING ARE ELECTED OR APPOINTED, TO MAKE TECHNICAL CHANGES TO THE NURSING PRACTICE ACT, AND TO REQUIRE THAT HEALTH CARE FACILITIES VERIFY THE LICENSURE STATUS OF APPLICANTS SEEKING EMPLOYMENT AS NURSES. (Became law upon approval of the Governor, June 4, 2003–S.L. 2003-146.)

S.B. 620, AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL PURCHASING FLEXIBILITY AND TO ENCOURAGE THEM TO USE THE NC E-PROCUREMENT SERVICE. (Became law upon approval of the Governor, June 4, 2003–S.L. 2003-147.)

S.B. 962, AN ACT TO REQUIRE BAIL BONDSMEN TO SUBMIT AFFIDAVITS STATING THAT THERE ARE NO PREMIUMS OWED TO FORMER INSURERS AND THAT ALL FORFEITURES OR JUDGMENTS ARE SATISFIED OR DISCHARGED. (Became law upon approval of the Governor, June 4, 2003–S.L. 2003-148.)

S.B. 959, AN ACT TO AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO ADOPT RULES REGARDING MONITORING OF COASTAL RECREATION WATERS IN ORDER TO IMPLEMENT THE FEDERAL BEACHES ENVIRONMENTAL ASSESSMENT AND COASTAL HEALTH ACT OF 2000. (Became law upon approval of the Governor, June 4, 2003–S.L. 2003-149.)

S.B. 519, AN ACT TO AMEND THE LAW REGARDING THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN. (Became law upon approval of the Governor, June 4, 2003–S.L. 2003-150.)

S.B. 93, AN ACT TO AMEND THE DEFINITION OF SPECIAL PROBATION TO REMOVE THE SIX-MONTH LIMITATION ON THE PERIOD OF IMPRISONMENT. (Became law upon approval of the Governor, June 4, 2003–S.L. 2003-151.)

H.B. 1159, AN ACT TO ESTABLISH A MILITARY DRIVERS LICENSE EXPIRATION PROCEDURE WITHIN THE DIVISION OF MOTOR VEHICLES AND TO ALLOW THE DIVISION OF MOTOR VEHICLES TO ISSUE CONFIDENTIAL LICENSE PLATES AND DRIVERS LICENSES TO AGENTS OF THE DEPARTMENT OF DEFENSE. (Became law upon approval of the Governor, June 4, 2003–S.L. 2003-152.)

H.B. 1003, AN ACT RELATING TO STATE GOVERNMENT INFORMATION TECHNOLOGY SECURITY. (Became law upon approval of the Governor, June 4, 2003–S.L. 2003-153.)

H.B. 987, AN ACT TO AUTHORIZE THE FISHERIES DIRECTOR TO ISSUE

PROCLAMATIONS THAT BECOME EFFECTIVE IMMEDIATELY UPON ISSUANCE AND TO MAKE OTHER TECHNICAL, CLARIFYING, AND CONFORMING CHANGES. (Became law upon approval of the Governor, June 4, 2003–S.L. 2003-154.)

H.B. 278, AN ACT TO AMEND THE LAW REGARDING EXAMINATIONS FOR LICENSURE TO PRACTICE CHIROPRACTIC. (Became law upon approval of the Governor, June 4, 2003–S.L. 2003-155.)

S.B. 776, AN ACT TO CLARIFY THE DEFINITION OF EMPLOYEE UNDER THE WORKERS' COMPENSATION ACT. (Became law upon approval of the Governor, June 4, 2003–S.L. 2003-156.)

S.B. 136, AN ACT TO CLARIFY THE LAW GOVERNING DISSENTERS' RIGHTS WITH REGARD TO MAJORITY CONSENT ACTION. (Became law upon approval of the Governor, June 5, 2003–S.L. 2003-157.)

S.B. 769, AN ACT TO ESTABLISH RATE SETTING AND RATE-APPROVAL METHODS FOR THE BEACH PLAN HOMEOWNERS POLICY, TO PROVIDE INCENTIVES TO BEACH AND COASTAL AREA HOMEOWNERS WHO ESTABLISH AND MAINTAIN RISK PREVENTION AND RISK MITIGATION MEASURES, AND TO EXTEND THE DEADLINE FOR ISSUANCE OF THE HOMEOWNERS POLICY PRODUCT BY THE BEACH PLAN. (Became law upon approval of the Governor, June 5, 2003–S.L. 2003-158.)

H.B. 42, AN ACT MODIFYING THE FELONY AND MISDEMEANOR OFFENSES RELATED TO CONDUCTING CERTAIN UNAUTHORIZED SOUND AND VIDEO RECORDINGS. (Became law upon approval of the Governor, June 5, 2003–S.L. 2003-159.)

H.B. 1158, AN ACT TO AMEND THE LAW SPECIFYING THE TYPE OF PISTOLS THAT MAY BE USED FOR HUNTING. (Became law upon approval of the Governor, June 5, 2003–S.L. 2003-160.)

S.B. 292, AN ACT AUTHORIZING THE CITY OF RALEIGH AND THE TOWN OF LAKE WACCAMAW TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS. (Became law upon ratification, June 5, 2003–S.L. 2003-161.)

VETO MESSAGE FROM THE GOVERNOR

The following veto message received from Governor Michael F. Easley, on June 8, 2003, is presented to the Senate and disposed of as follows:

June 9, 2003



STATE OF NORTH CAROLINA
Office of the Governor
20301 Mail Service Center • Raleigh, NC 27699-0301

MICHAEL F. EASLEY
GOVERNOR

Governor's Objection and Veto Message

Section four of Senate Bill 931 as ratified states that "no new requirement added by the State Board of Education to the teacher certification process may be required for licensure now or in the future without explicit legislative authorization."

The North Carolina Constitution and our state Supreme Court decision in *Leandro* support the State Board's role to determine the standards and requirements for public school teachers in North Carolina reflecting our priorities for improving student achievement. Both charge the executive branch of government with a duty to provide every child with an opportunity for a sound basic education. This duty cannot be fulfilled without the executive branch having the capacity to adjust rules, regulations, and policies in a timely manner that reflect changing societal and educational needs. While the Constitution reserves certain powers to, the General Assembly, it specifically grants the general authority for the State Board of Education to "administer the free public school system."

Section four of this bill impairs the executive branch's ability to execute its constitutional duty. This section is also in direct conflict with and erodes the Excellent Schools Act of 1997 requiring the State Board to set rigorous standards for teachers and student achievement.

Removing the authority of the State Board of Education to ensure teacher standards is not only bad public policy, but it is also constitutionally questionable.

For the reasons stated above, I veto the bill

A handwritten signature in cursive script, appearing to read "M. Easley".

Michael F. Easley

S.B. 931 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ELIMINATING THE PORTFOLIO REQUIREMENT FOR TEACHER CERTIFICATION.

The House Committee Substitute bill with the veto message is referred to the **Rules and Operations of the Senate Committee** and the House of Representatives is so notified.

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 Soles for the **Commerce Committee**:

S.B. 550, A BILL TO BE ENTITLED AN ACT TO IMPROVE AND STRENGTHEN CREMATION LAW IN NORTH CAROLINA AND TO IMPROVE AND MAKE TECHNICAL CORRECTIONS TO THE FUNERAL 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 85252, is adopted and engrossed.

Upon motion of Senator Soles, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 986 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A MOTOR VEHICLE INSURER TO DISCLOSE ANY FINANCIAL INTEREST IN A RECOMMENDED REPAIR FACILITY OR SERVICE, 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 70343, is adopted and engrossed.

CALENDAR (*continued*)

S.B. 408 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF EDEN TO NEGOTIATE ANNEXATION CONTRACTS, 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 452 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY MUNICIPALITIES IN UNION COUNTY, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle,

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Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 301 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND TO THE REMAINING TWELVE COUNTIES THE AUTHORITY CURRENTLY GIVEN TO EIGHTY-EIGHT COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR LOCAL BOARDS OF EDUCATION, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—45.

Voting in the negative: Senators Brock and Webster—2.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 705, 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, as amended on second reading, upon third reading.

The bill, as amended, passes its third reading, by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—46.

Voting in the negative: Senator Webster—1.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

H.B. 1260, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM FEES THAT THE BOARD OF EXAMINERS FOR SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS MAY ASSESS FOR CERTAIN FEES, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell,

Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The bill is ordered enrolled and sent to the Governor.

S.B. 672 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE QUALITY AND ACCOUNTABILITY OF THE PUBLIC HEALTH SYSTEM BY STRENGTHENING THE PUBLIC HEALTH INFRASTRUCTURE, TO IMPROVE PUBLIC HEALTH OUTCOMES AND REDUCE HEALTH DISPARITIES BY THE DEVELOPMENT OF STATE AND LOCAL COMPREHENSIVE PUBLIC HEALTH PLANS, AND TO IMPROVE THE PUBLIC HEALTH WORKFORCE BY ENHANCING COLLABORATION WITH PUBLIC AND PRIVATE SECTOR ENTITIES AND IMPOSING PERFORMANCE STANDARDS FOR PUBLIC HEALTH PRACTICE.

Upon motion of Senator Hartsell, the President orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 152 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CHILD CARE FACILITIES TO DEVELOP AND MAINTAIN A SAFE SLEEP POLICY THAT INCLUDES REQUIRING CAREGIVERS TO PLACE CHILDREN ON THEIR BACK TO SLEEP TO REDUCE THE RISK OF SUDDEN INFANT DEATH SYNDROME (SIDS), AND TO REQUIRE CERTAIN AGENCIES AND THE MEDICAL COMMUNITY TO COOPERATE IN INVESTIGATING REPORTS OF CHILD ABUSE AND NEGLECT IN CHILD CARE FACILITIES.

The Senate Committee Substitute bill passes its second reading (47-0).

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, June 10.

S.B. 672 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE QUALITY AND ACCOUNTABILITY OF THE PUBLIC HEALTH SYSTEM BY STRENGTHENING THE PUBLIC HEALTH INFRASTRUCTURE, TO IMPROVE PUBLIC HEALTH OUTCOMES AND REDUCE HEALTH DISPARITIES BY THE DEVELOPMENT OF STATE AND LOCAL COMPREHENSIVE PUBLIC HEALTH PLANS, AND TO IMPROVE THE PUBLIC HEALTH WORKFORCE BY ENHANCING COLLABORATION WITH PUBLIC AND PRIVATE SECTOR ENTITIES AND IMPOSING PERFORMANCE STANDARDS FOR PUBLIC HEALTH PRACTICE, temporarily displaced earlier.

Senator Hartsell offers Amendment No. 1 which is adopted (47-0).

Upon motion of Senator Hartsell, the Committee Substitute bill, as amended, is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, June 10.

H.B. 270, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE INSURANCE LAWS.

The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 801 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT

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TO MODIFY THE STATE COMPETENCY TESTING PROGRAM TO ENSURE THAT HIGH SCHOOL STUDENTS WHO DO NOT PASS THE COMPETENCY TEST ARE GIVEN AN OPPORTUNITY TO TAKE AN ALTERNATIVE TEST.

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. 965 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PENALTIES FOR PERSONS WHO CAUSE BODILY INJURY OR DEATH WHEN FAILING TO YIELD THE RIGHT-OF-WAY UNDER CERTAIN CIRCUMSTANCES.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from tonight's Calendar and is re-referred to the **Judiciary II Committee**.

H.B. 974 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT STATE AGENCIES FROM PURCHASING RECONSTITUTED MILK.

The Senate Committee Substitute bill passes its second reading (45-2).

Senator Kerr objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Tuesday, June 10.

H.B. 1135 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT STUDENTS RECOMMENDED FOR LONG-TERM SUSPENSION RECEIVE A FREE AND APPROPRIATE EDUCATION.

The Senate Committee Substitute bill passes its second reading (45-2).

Senator Malone objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Tuesday, June 10.

S.B. 439 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (46-1) and the measure is ordered enrolled and sent to the Governor.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives
June 5, 2003

Madame President:

It is ordered that a message be sent your Honorable Body requesting the return of SB 439, A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA, for further consideration by the House of Representatives.

Respectfully,
S/Denise Weeks
Principal Clerk

(The Senate concurred in the House Committee Substitute for S.B. 439 and the bill was not returned to the House of Representatives.)

House of Representatives
June 5, 2003

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for SB 775, A BILL TO BE ENTITLED AN ACT TO CONDITIONALLY REQUIRE INSURERS TO PROVIDE INFORMATION REGARDING POLICY LIMITS PRIOR TO LITIGATION WHEN REQUESTED IN WRITING BY THE PERSONS WHO HAVE CLAIMS, OTHER THAN MEDICAL MALPRACTICE CLAIMS, SUBJECT TO NONFLEET PRIVATE PASSENGER AUTOMOBILE INSURANCE POLICIES AND TO GIVE THESE INSURERS THE OPTION OF INITIATING PRELITIGATION MEDIATION OF THE CLAIMS, and requests conferees, Speaker Black appoints:

Representative Holliman, Chair
Representative Setzer, and
Representative Wainwright

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising might be resolved.

Respectfully,
S/Denise Weeks
Principal Clerk

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 251 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE PRACTICE OF THE "REBIRTHING" TECHNIQUE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, June 10.

S.B. 627 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEDICATE AND ACCEPT CERTAIN PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE, TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, AND TO DELETE A PARK FROM THE STATE PARKS SYSTEM, for concurrence in the House Committee Substitute bill.

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The House Committee Substitute bill is referred to the **Agriculture/Environment/Natural Resources Committee**.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Anna Lee Barnes, Kill Devil Hills; Misty Dawn Bradley, Rutherfordton; Dori Chandler, Greensboro; Ariel Lynn Corbett, Greensboro; Ashura Corbett, Greensboro; Anna Louise Egleston, Winston-Salem; Rebecca Gardner, Raleigh; Bradley Anderson Gray, Greenville; Molly Harden, Windsor; Abigail Gray Harden, Windsor; Elizabeth L. Hayes, Dallas; Allison Hutchins, Kitty Hawk; Jane Randolph Johnston, Greensboro; Samantha Levy, Greensboro; Jennifer L. Marr, Dallas; Grace R. Northington, Goldsboro; Lauren Andren Peterson, Chapel Hill; Allison Queen, Gastonia; Sara Riggins, Garner; Sarah Gray Roach, Greensboro; Jacob Thomas Sawyers, Raleigh; and Sydney Thomas, Chapel Hill.

Upon motion of Senator Basnight, seconded by Senator Foxx, the Senate adjourns at 8:21 P.M., in memory of Libby Carpenter Poppe, daughter of Senator Bob Carpenter, to meet tomorrow, Tuesday, June 10, at 2:00 P.M.

SEVENTY-SIXTH DAY

Senate Chamber
Tuesday, June 10, 2003

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:

"Our God, help us not to separate this quiet moment of communication with You from the rest of our day's activities. We are always praying when we are doing our duty and turning it into work for You.

"We should regard as spiritual moments our work, our conversations, and our kind actions.

"So long as we link all these by intention with You, O Lord, we will be praying all day long. Amen."

The Chair grants a leave of absence for today to Senator Garwood.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Monday, June 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 Pro Tempore of the Senate extends courtesies of the floor to Dr. Khaled F. Elraie from Wilmington, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 19, AN ACT TO AMEND THE LAW REGARDING TOWNSHIP ABC ELECTIONS IN CERTAIN TOWNSHIPS.

S.B. 167, AN ACT PERMITTING WEAPONS ON THE HOWELL WOODS NATURE CENTER PROPERTY OF JOHNSTON COMMUNITY COLLEGE FOR HUNTING PURPOSES.

S.B. 439, AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

H.B. 270, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE INSURANCE LAWS.

H.B. 1260, AN ACT TO INCREASE THE MAXIMUM FEES THAT THE BOARD OF EXAMINERS FOR SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS MAY ASSESS FOR CERTAIN FEES.

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. 249, AN ACT TO PERMIT THE CITY OF WILMINGTON TO ENGAGE IN CONDITIONAL ZONING. (Became law upon ratification, June 9, 2003–S.L. 2003-162.)

H.B. 501, AN ACT REDRAWING THE ELECTION DISTRICT BOUNDARIES FOR THE TOWN OF ENFIELD IN HALIFAX COUNTY. (Became law upon ratification, June 9, 2003–S.L. 2003-163.)

H.B. 550, AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF CERTAIN ROADS IN CRAVEN COUNTY. (Became law upon ratification, June 9, 2003–S.L. 2003-164.)

H.B. 625, AN ACT AUTHORIZING THE CITY OF ASHEVILLE TO REQUIRE PRETOWING NOTICES BEFORE A MOTOR VEHICLE MAY BE TOWED FROM A PRIVATE LOT, GARAGE, OR OTHER PARKING FACILITY. (Became law upon ratification, June 9, 2003–S.L. 2003-165.)

H.B. 668, AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE NEW HANOVER COUNTY OCCUPANCY TAX. (Became law upon ratification, June 9, 2003–S.L. 2003-166.)

June 10, 2003

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. 1062 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE COMMUNITY WATER SYSTEMS THAT REGULARLY SERVE ONE THOUSAND OR MORE SERVICE CONNECTIONS OR THREE THOUSAND OR MORE INDIVIDUALS TO PREPARE LOCAL WATER SUPPLY PLANS AND TO AUTHORIZE THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO MAKE DROUGHT DESIGNATIONS, with a favorable report.

S.B. 627 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEDICATE AND ACCEPT CERTAIN PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE, TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, AND TO DELETE A PARK FROM THE STATE PARKS SYSTEM, with a favorable report as to concurrence.

By Senator Hoyle for the **Finance Committee**:

H.B. 598, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS, with a favorable report.

H.B. 597, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS, 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 30370, which changes the title to read **H.B. 597** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS AND FROM THE CORPORATE LIMITS OF THE CITY OF LUMBERTON, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 994 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE STATE, COUNTIES, AND CITIES TO CONSTRUCT PREENGINEERED STRUCTURES WITHOUT HAVING THE PLANS AND SPECIFICATIONS FOR THE STRUCTURES REVIEWED BY A REGISTERED ARCHITECT OR ENGINEER.

Upon motion of Senator Soles, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 11.

H.B. 182, A BILL TO BE ENTITLED AN ACT TO NAME THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

H.B. 408 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SECRET PEEPING STATUTE AND TO MAKE CONFORMING CHANGES.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 11.

H.B. 786 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND LIABILITY RULES THAT APPLY TO CIVIL PARKING AND RED LIGHT CAMERA ENFORCEMENT ACTIONS.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 11.

H.B. 807 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN PROVISIONS OF THE LAW ESTABLISHING THE ELECTIVE SHARE OF A DECEDENT'S SURVIVING SPOUSE.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 11.

H.B. 1120 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE APPOINTMENT OF CERTAIN HIGH SCHOOL STUDENTS AS STUDENT ELECTION ASSISTANTS AND TO MAKE OTHER CHANGES TO THE ELECTION LAWS.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 11.

H.B. 826 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CONFIDENTIALITY PROVISIONS OF CHAPTER 122C OF THE GENERAL STATUTES TO PERMIT IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM.

Upon motion of Senator Hartsell, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, June 12.

H.B. 1037 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CRIMINAL PENALTIES FOR ALLOWING JUVENILES TO ESCAPE AND TO ALLOW JUVENILE DETENTION FACILITIES TO PHOTOGRAPH JUVENILES AND TO RELEASE THE PHOTOGRAPHS WHEN THE JUVENILE ESCAPES.

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Upon motion of Senator Hartsell, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 11.

H.B. 147 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LEFT TURNS ON RED IN CERTAIN SITUATIONS, TO CLARIFY WHEN A PEDESTRIAN HAS THE RIGHT-OF-WAY, AND TO INCREASE THE PENALTY AND DRIVERS LICENSE POINTS ASSESSED FOR FAILING TO YIELD THE RIGHT-OF-WAY TO A PEDESTRIAN.

Upon motion of Senator Hartsell, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 17.

S.B. 672 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE QUALITY AND ACCOUNTABILITY OF THE PUBLIC HEALTH SYSTEM BY STRENGTHENING THE PUBLIC HEALTH INFRASTRUCTURE, TO IMPROVE PUBLIC HEALTH OUTCOMES AND REDUCE HEALTH DISPARITIES BY THE DEVELOPMENT OF STATE AND LOCAL COMPREHENSIVE PUBLIC HEALTH PLANS, AND TO IMPROVE THE PUBLIC HEALTH WORKFORCE BY ENHANCING COLLABORATION WITH PUBLIC AND PRIVATE SECTOR ENTITIES AND IMPOSING PERFORMANCE STANDARDS FOR PUBLIC HEALTH PRACTICE.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Health and Human Resources Committee**.

H.B. 974 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT STATE AGENCIES FROM PURCHASING RECONSTITUTED MILK.

Upon motion of Senator Soles, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 11.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 319 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CABARRUS COUNTY DEMONSTRATION WORK OVER WELFARE PROGRAM, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, June 11.

S.B. 424 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING TUITION WAIVERS AND TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY WHETHER TO EXTEND THESE TUITION WAIVERS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, June 11.

S.B. 437 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A PLUMBING AND HEATING CONTRACTOR OR AN ELECTRICAL CONTRACTOR LICENSED UNDER CHAPTER 87 OF THE GENERAL STATUTES TO BID AND CONTRACT DIRECTLY WITH THE OWNER OF A PUBLIC BUILDING PROJECT IN CERTAIN CIRCUMSTANCES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, June 11.

S.B. 549 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT THE REVISED UNIFORM PRINCIPAL AND INCOME ACT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, June 11.

S.B. 706 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW A PUBLIC UNIVERSITY TO ADD BLEACHERS TO AN EXISTING SOFTBALL FIELD WITHOUT HAVING TO CONSTRUCT ADDITIONAL PLUMBING FACILITIES, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Wednesday, June 11.

CALENDAR *(continued)*

H.B. 248 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE CITY OF WILMINGTON TO DISCLOSE LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS.

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. 440 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WENTWORTH TO EXEMPT AGRICULTURAL LAND USES WITHIN THAT JURISDICTION FROM ZONING AND TO PROVIDE FOR THE CREATION OF ECONOMIC DEVELOPMENT AND TRAINING DISTRICTS, upon second reading.

Senator Smith offers Amendment No. 1 which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foux, Garrou, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

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The Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow, Wednesday, June 11, upon third reading.

S.B. 324, A BILL TO BE ENTITLED AN ACT TO INCREASE THE HOMEOWNERS RECOVERY FUND PERMIT FEE.

Senator Hoyle offers Amendment No. 1 which is adopted (49-0).

The bill, as amended, passes its second reading (49-0) and third reading (49-0) and is ordered engrossed and sent to the House of Representatives.

H.B. 785 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE RULE 45 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE.

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. 787 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH EQUITY IN REPORTING REQUIREMENTS BETWEEN FEDERAL POLITICAL COMMITTEES AND NORTH CAROLINA POLITICAL COMMITTEES.

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. 824 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT ENCROACHMENT ON ITS RIGHTS-OF-WAY FOR THE CONSTRUCTION OF PRIVATE BRIDGES.

Senator Hartsell offers Amendment No. 1 which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 926 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PENALTY FOR AN ASSAULT IN THE PRESENCE OF A MINOR.

Upon motion of Senator Clodfelter, the President *Pro Tempore* orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 975 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PURCHASING FLEXIBILITY FOR THE UNIVERSITY OF NORTH CAROLINA.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 986 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A MOTOR VEHICLE INSURER TO DISCLOSE ANY FINANCIAL INTEREST IN A RECOMMENDED REPAIR FACILITY OR SERVICE.

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. 1171 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW PROHIBITING HAZING.

The Senate Committee Substitute bill passes its second reading (47-2).

Senator Allran 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, June 11, upon third reading.

H.B. 1221 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE RETURN OF OVERPAYMENTS OF STATE FUNDS BY PERSONS IN STATE-SUPPORTED POSITIONS.

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. 152 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CHILD CARE FACILITIES TO DEVELOP AND MAINTAIN A SAFE SLEEP POLICY THAT INCLUDES REQUIRING CAREGIVERS TO PLACE CHILDREN ON THEIR BACK TO SLEEP TO REDUCE THE RISK OF SUDDEN INFANT DEATH SYNDROME (SIDS), AND TO REQUIRE CERTAIN AGENCIES AND THE MEDICAL COMMUNITY TO COOPERATE IN INVESTIGATING REPORTS OF CHILD ABUSE AND NEGLECT IN CHILD CARE FACILITIES.

Senator Foxx offers Amendment No. 1 which fails of adoption (17-32).

The Senate Committee Substitute bill passes its third reading (49-0) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 963 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PERSONS CONVICTED OF LEAVING THE SCENE OF AN ACCIDENT INVOLVING INJURY OR DEATH MAY LOSE THEIR LICENSE FOR A PERIOD OF TWO YEARS.

Senator Shubert offers Amendment No. 1 which is adopted (46-3).

The Senate Committee Substitute bill, as amended, passes its third reading (49-0) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 844, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ELMER "E.V." WILKINS, FORMER EDUCATOR AND CIVIC LEADER.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

Upon motion of Senator Rand, the joint resolution is read in its entirety and, upon motion of Senator Foxx, the remarks of the members are spread upon the Journal, as follows:

June 10, 2003

Senator Holloman:

"I support this resolution fully today and ask the Body to support this resolution. I knew Mayor Wilkins and part of my political motivation came from him through the Congressional Black Caucus in Eastern North Carolina. He's done a lot to touch lives in North Carolina. He's made a difference in this State. Today we're very honored to have his daughter with us up in the back, who has succeeded him as Mayor of the town of Roper, also whom we have just elected to the Board of Governors. I move that this resolution be accepted."

Senator Jenkins:

"Mr. President, I have the pleasure of representing Washington County, the home of Mr. E.V. Wilkins. Mr. E.V. Wilkins educated a lot of people not only in Washington County, but in Eastern North Carolina. He probably wouldn't have gotten an education if it had not been for his determination and dedication to it and I recommend wholeheartedly to this Body that we endorse this House resolution and I follow my colleague, Senator Holloman, in saying that his daughter, Bunny Wilkins Sanders, is one thing that E.V. Wilkins gave us and that she is starting to serve on the Board of Governors for the University System and I know he would be extremely proud of the journey she is getting ready to take. Thank you very much."

Senator Rand:

"Thank you Mr. President, ladies and gentlemen of the Senate. Anybody who's ever politicked in northeastern North Carolina had to, by necessity, know Mr. E.V. Wilkins. That was one of the first calls you had to make. He was a great man, he was a wonderful educator, he gave of himself to the people of his region and the people of North Carolina without hesitation. We're a much better State, we're a much better people that he was part of us and I appreciate so much all he did for North Carolina and its people. Thank you."

Senator Dannelly:

"Thank you Mr. President. Senator Rand said northeastern North Carolina, and I'm from the Piedmont and everybody down in that area if they were involved in politics knew of, we used to call him E.V. He was quiet in his unassuming way, but when he spoke everybody listened because he was full of wisdom for those who were following in his footsteps. I met him when he used to come to the State Teachers' Association meetings and as fellow principals we met on the side. I also met him when I was Treasurer of NC BEMO, North Carolina Black Elected Municipal Officials, and when I sent out bills for them to pay their dues, his was the first one to arrive. He guided a lot of us during his years as an educational and political leader. He's made this State a better place than it was when he found it. I recommend the resolution to you."

Senator Basnight:

"I can see E.V. now. He had a particular way about himself in that he was always joyful, he was always happy, a twinkle in his eye, a love of people, of the land, and of his Lord. He committed himself to making life richer and better for all people, whether you're black or white, wherever you may have come from. He had a way about him that was humbling if you were in his presence. He was giving so much of himself and of his time here on a daily basis, a nightly basis let me better say, and

day. He would spend whatever time was necessary to understand your position or your thoughts on any particular issue. He didn't look at things as where you came from or who you were so much as 'What are we going to do to make life just a little better for others.' He took the little town of Roper, which you just skirted by ever so quickly, or through, at the time, and he made it a place of destination for those who had hope and who had dreams. They knew who lived in that town and they knew that this man was a person of great influence on others. He raised an incredible daughter who now is the Mayor of Roper and who has taken a community way above and beyond what normally happens in small town Carolina, or small town America. During the Christmas season, it is wonderful to go through Roper and you see the big sign that says 'Have a merry, happy, Roper Christmas,' and their miniature churches that are made and donated by carpenters in the community of every church in Washington County. There must be twenty-five of them and they're built to scale. They tell that picture of what happened on that special occasion because every church is in the middle of the road. You don't have to go across Washington County to see what their pleasure is in that particular season. She has parades, she recognizes people, she is all what E.V. is and what he did she continues. We're not talking about you so much Bunny, we're talking about your father and what he gave us through you and how he made life richer and better. Education was the salvation to the end to be successful. He wanted to see that every child had that chance. He told me just sitting in his living room, I remember the last time in my conversations, about what is it that you would give or leave behind if it was only one choice and he would say education. If you can read and write you can communicate, you can learn about others and the differences that we may have, but we're all God's people. He was an incredible man who had a huge influence on all of us who knew him. We miss him a great deal. This resolution is very special to all of his friends."

The joint resolution passes its second reading (49-0) and third reading with members standing and is ordered enrolled.

The President Pro Tempore extends the courtesies of the gallery to Ms. Bunny Sanders, daughter of Mr. Elmer "E.V." Wilkins; and his family and friends.

H.B. 1135 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT STUDENTS RECOMMENDED FOR LONG-TERM SUSPENSION RECEIVE A FREE AND APPROPRIATE EDUCATION.

Upon motion of Senator Hartsell, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 11.

CONFERENCE REPORT

Senator Gulley, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 384** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN AND WILMINGTON URBAN LOOPS AND OTHER INTRASTATE IMPROVEMENT PROJECTS, submits for adoption the following report:

June 10, 2003

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 384, A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN AND WILMINGTON URBAN LOOPS AND OTHER INTRASTATE IMPROVEMENT PROJECTS, House Committee Substitute Favorable 5/7/03, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 5/7/03, 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 S384-PCCS35317-RW-29.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 10, 2003.

Conferees for the Senate

S/Wib P. Gulley, Chair
S/Daniel G. Clodfelter
S/Linda Garrou
S/Anthony E. Rand
S/Robert A. Rucho
S/Larry Shaw

Conferees for the House of Representatives

S/Paul Luebke, Chair
S/Jeffrey L. Barnhart
S/Margaret H. Dickson
S/Daniel F. McComas
William C. McGee
S/Earline W. Parmon

The text of the attached Proposed Conference Committee Substitute S384-PCCS35317-RW-29 is as follows:

A BILL TO BE ENTITLED
AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTIONS OF URBAN LOOPS AND OTHER INTRASTATE IMPROVEMENT PROJECTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-180(a) reads as rewritten:

"(a) Funds allocated from the Trust Fund for urban loops may be used only for the following urban loops:

Loop	Description	Affected Counties
Asheville Western Loop	Multilane facility on new location from I-26 west of Asheville to US-19/23 north of Asheville for the purpose of connecting these roads.	Buncombe

	The funds may be used to improve existing corridors.	
Charlotte Outer Loop	Multilane facility on new location encircling City of Charlotte <u>including 6 laning of the portion from Johnston Road/US 521 south to I-77 south of Charlotte</u>	Mecklenburg
Durham Northern Loop	The corridor shall be identified as a part of the local long range transportation plan as mutually adopted in 2003 by the Durham-Chapel Hill-Carrboro metropolitan planning organization and the North Carolina Board of Transportation <u>The projects listed below are eligible for funding under this section as part of the Durham Northern Loop. The priorities for planning and constructing these projects will be established by mutual agreement of the Metropolitan Planning Organization (MPO) and the Department of Transportation through the federally mandated Transportation Improvement Program development process. The cross sections for these projects will be established by mutual agreement of the MPO and the Department of Transportation through the State and federal environmental review process.</u> <u>(1) East end connector, from N.C. 147 to U.S. 70 East.</u> <u>(2) U.S. 70, from Lynn Rd. to the Northern Durham Parkway.</u> <u>(3) I-85, from U.S. 70 to Red Mill Rd.</u> <u>(4) Northern Durham Parkway, Section B, from Old Oxford Rd. to I-85.</u> <u>(5) Northern Durham Parkway, Section A, from I-85 to I-540.</u> <u>(6) Northern Durham Parkway, Section C, from Old Oxford Rd. to Roxboro Rd.</u> <u>(7) Roxboro Rd. from Duke St. to Goodwin Rd.</u>	Durham, Orange Wake
Fayetteville	<u>Multilane facility on new location</u>	Cumberland

<u>Western Outer Loop</u>	<u>location from US 401 north of Fayetteville to I-95 south of Hope Mills</u>	
Greensboro Loop	Multilane facility on new location encircling City of Greensboro <u>including interchanges with Cone Boulevard Extension and Lewis-Fleming Road Extension</u>	Guilford
<u>Greenville Loop</u>	<u>Multilane extension of the Greenville Loop from US 264 west of Greenville to NC-11 south of Winterville</u>	<u>Pitt</u>
Raleigh Outer Loop	Multilane facility on new location new location from US-1 <u>NC 55</u> southwest of Cary northerly to US-64 in eastern Wake County	Wake
Wilmington Bypass	Multilane facility on new location from US-17 northeast of Wilmington to US-17 southwest of Wilmington, US 421 in southern Wilmington, including the Blue Clay Road interchange	New Hanover
Winston-Salem Northbelt	Multilane facility on new location from I-40 west of Winston-Salem northerly to I-40 <u>US 311/Future I-74</u> in eastern Forsyth County."	Forsyth

SECTION 2. G.S. 136-179 reads as rewritten:

"§ 136-179. Projects of Intrastate System funded from Trust Fund.

Funds allocated from the Trust Fund for the Intrastate System may be used only for the following projects of the Intrastate System:

Route	Improvements	Affected Counties
I-40	Widening	Buncombe, Haywood, Guilford, Wake, Durham
I-77	Widening	Mecklenburg
I-85	Widening	Durham, Orange, Alamance, Guilford, Cabarrus, Mecklenburg, Gaston
I-95	Widening	Halifax
US-1	Complete 4-laning from Henderson to South Carolina Line (including 6-laning of Raleigh Beltline)	Vance, Franklin, Wake, Chatham, Lee, Moore, Richmond

US-13	Connector from I-95 to NC-87	Cumberland
US-13	Complete 4-laning from Virginia Line to US-17	Gates, Hertford, Bertie
US-17	Complete 4-laning from Virginia Line to South Carolina Line (including Washington, New Bern, and Jacksonville Bypasses)	Camden, Pasquotank, Perquimans, Chowan, Bertie, Martin, Beaufort, Craven, Jones, Onslow, Pender, New Hanover, Brunswick
US-19/ US-19E	Complete 4-laning from US-23 to NC 194 in Ingalls	Madison, Yancey, Mitchell, Avery
US-19	Complete 4-laning	Cherokee, Macon, Swain
US-23	Complete 4-laning and upgrading existing 4-lanes from Tennessee Line to I-240	Madison, Buncombe
US-23-441	Complete 4-laning from US-19/US-74 to Georgia Line	Macon
US-52	Complete 4-laning from I-77 to Lexington (including new I-77 Connector)	Surry, Davidson
US-64	Complete 4-laning from Raleigh to Coast (including freeway construction from I-95 to US-17)	Edgecombe, Pitt, Martin, Washington, Tyrrell, Dare
US-64	Complete 4-laning from Lexington to Raleigh	Davidson, Randolph, Chatham, Wake
US-70	Complete 4-laning from Raleigh to Morehead City (including Clayton, Goldsboro, Kinston, Smithfield-Selma, and Havelock Bypasses predominately freeways on predominately new locations)	Wake, Johnston, Wayne, Lenoir, Craven
US-74	Complete 4-laning from	Mecklenburg, Union,

	Charlotte to US-17 (including multilaning of Independence Blvd. in Charlotte, and Bypasses of Monroe, Rockingham, and Hamlet)	Richmond, Robeson, Columbus
US-74	Complete 4-laning from I-26 to I-85	Polk, Rutherford
US-158	Complete 4-laning from Winston-Salem to Whalebone	Forsyth, Guilford, Rockingham, Caswell, Person, Granville, Vance Warren, Halifax, Northampton, Gates, Hertford, Pasquotank, Camden, Currituck, Dare
	New bridge over Currituck Sound	Currituck
US-221	Complete 4-laning from Linville to South Carolina	Avery, McDowell, Rutherford
US-220	Complete 4-laning from I-40 to US-1	Guilford, Randolph, Montgomery, Richmond
US-220/NC-68	Complete 4-laning from Virginia Line to I-40	Rockingham, Guilford
US-264	Complete 4-laning from Wilson, Greene, US-64 to Washington (including Wilson and Greenville Bypasses) (including freeway construction from I-95 to Greenville)	Pitt
US-321	Complete 4-laning from Boone to South Carolina Line	Caldwell, Catawba, Lincoln, Gaston
US-421	Complete 4-laning from Tennessee Line to I-40	Watauga, Wilkes, Yadkin
US-421	Complete 4-laning from Greensboro to Sanford (including Bypass of Sanford)	Chatham, Lee

NC-24	Complete 4-laning from Charlotte to Morehead City	Mecklenburg, Cabarrus Stanly, Montgomery, Moore, Harnett, Cumberland, Sampson, Duplin, Onslow, Carteret
NC-87	Complete 4-laning from Sanford to US-74	Lee, Harnett, Cumberland Bladen, Columbus
NC-105	Complete 4-laning from Boone to Linville	Watauga, Avery
NC-168	Complete multilaning from Virginia Line to US-158	Currituck
NC-194	Complete 4-laning from US-19E to US-221."	Avery

SECTION 3. This act is effective when it becomes law.

The Conference Report is placed on the Calendar for tomorrow, Wednesday, June 11, for adoption.

CALENDAR (*continued*)

S.B. 251 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE PRACTICE OF THE "REBIRTHING" TECHNIQUE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Allran, the Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 887 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MANDATE INSURANCE COVERAGE FOR SURVEILLANCE TESTS FOR WOMEN AGE TWENTY-FIVE AND OLDER AND AT RISK FOR OVARIAN CANCER, for concurrence in House Amendment No. 1.

Upon motion of Senator Carpenter, the Senate concurs in House Amendment No. 1 (49-0) and the measure is ordered enrolled and sent to the Governor.

H.B. 926 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PENALTY FOR AN ASSAULT IN THE PRESENCE OF A MINOR, temporarily displaced earlier.

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, June 11.

Upon motion of Senator Dannelly, seconded by Senator Weinstein, the Senate adjourns at 3:44 P.M. to meet tomorrow, Wednesday, June 11, at 3:00 P.M.

SEVENTY-SEVENTH DAY

Senate Chamber
Wednesday, June 11, 2003

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 David J. Goehring, Co-Pastor, Jarvis Memorial United Methodist Church, Greenville, North Carolina as follows:

"Holy, Holy Holy! Lord God Almighty! Early this afternoon our song shall rise to You. Heaven and earth are full of Your glory. Bless now our assembly. May our thoughts and deliberations be acceptable unto Your sight. As we come before your throne of grace and mercy, we readily admit our need for Your guidance. Forgive us when we fail to be obedient to Your will. May each of us in this gathering seek to understand and follow the desire of Your heart, O Lord. May we freely and wholeheartedly yield all things to Your pleasure.

"It is our nature to differ from one another, but may we never do so with malice in our heart. This afternoon as we go about the business of the great State of North Carolina may we temper our minds and hearts with love and gratitude.

"Grant us wisdom, grant us courage, for the facing of the hour.

"All of this is asked knowing that You are Creator and Sustainer, and we are servants of the people of North Carolina. Save us from weak resignation. God of love and God of power, You have called us for this time. To You be the glory both now and forever. Amen."

The Chair grants leaves of absence for today to Senator Carpenter, Senator Garwood and Senator Lucas.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, 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 Pro Tempore of the Senate extends courtesies of the floor to Dr. Shirish D. Devasthali from Fayetteville, North Carolina, who is serving the Senate as Doctor of the Day, and to Cherie Smith-Miller from Chapel Hill, 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. 251, AN ACT TO PROHIBIT THE PRACTICE OF THE "REBIRTHING" TECHNIQUE.

S.B. 887, AN ACT TO MANDATE INSURANCE COVERAGE FOR SURVEILLANCE TESTS FOR WOMEN AGE TWENTY-FIVE AND OLDER AND AT RISK FOR OVARIAN CANCER.

H.B. 483, AN ACT PROVIDING FOR THE ABROGATION OF OFFENSIVE PLACE-NAMES THROUGHOUT THE STATE

H.B. 637, AN ACT TO PERMIT THE SETTLOR OF A REVOCABLE TRUST TO RELIEVE THE TRUSTEE OF DUTIES, RESTRICTIONS, AND LIABILITIES IMPOSED BY THE UNIFORM TRUSTS ACT.

H.B. 842, AN ACT TO PROVIDE FOR A SYSTEM FOR ALL NORTH CAROLINA ELECTIONS THAT COMPLIES WITH THE HELP AMERICA VOTE ACT AND TO HELP PREVENT DUPLICATE NAMES ON JURY LISTS.

H.B. 916, AN ACT TO ESTABLISH A VACCINATION PROGRAM FOR FIRST RESPONDERS TO TERRORIST INCIDENTS, CATASTROPHIC OR NATURAL DISASTERS, OR EMERGENCIES.

H.B. 975, AN ACT TO PROVIDE PURCHASING FLEXIBILITY FOR THE UNIVERSITY 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. 844, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ELMER "E.V." WILKINS, FORMER EDUCATOR AND CIVIC LEADER. (Res. 15)

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. 1093, AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE NORTH CAROLINA INSURANCE GUARANTY ASSOCIATION ACT. (Became law upon approval of the Governor, June 10, 2003–S.L. 2003-167.)

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 Soles for the **Commerce Committee**:

H.B. 70, A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT SO THAT THE GENERAL LAW ON DEFINITION OF A SUBDIVISION APPLIES IN PENDER COUNTY, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

June 11, 2003

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 45159, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 994 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE STATE, COUNTIES, AND CITIES TO CONSTRUCT PREENGINEERED STRUCTURES WITHOUT HAVING THE PLANS AND SPECIFICATIONS FOR THE STRUCTURES REVIEWED BY A REGISTERED ARCHITECT OR ENGINEER.

Upon motion of Senator Soles, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Commerce Committee**.

H.B. 1062 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE COMMUNITY WATER SYSTEMS THAT REGULARLY SERVE ONE THOUSAND OR MORE SERVICE CONNECTIONS OR THREE THOUSAND OR MORE INDIVIDUALS TO PREPARE LOCAL WATER SUPPLY PLANS AND TO AUTHORIZE THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO MAKE DROUGHT DESIGNATIONS.

Upon motion of Senator Albertson, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, June 12.

H.B. 974 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT STATE AGENCIES FROM PURCHASING RECONSTITUTED MILK.

Upon motion of Senator Albertson, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Agriculture/Environment/Natural Resources Committee**.

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 Metcalf for the **Education/Higher Education Committee**:

H.B. 601 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE EARLY ENTRY OF MOTIVATED STUDENTS INTO FOUR-YEAR COLLEGE PROGRAMS, with a favorable report.

H.B. 1032 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING LOCAL BOARDS OF EDUCATION TO GIVE PREFERENCE IN PURCHASING CONTRACTS TO HIGH-CALCIUM FOODS AND BEVERAGES, with a favorable report.

H.B. 1016 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD PARTICULAR UNIVERSITY FACILITIES AS NONSMOKING AREAS,

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 30377, is adopted and engrossed.

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee:**

H.B. 737, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE RECALL ELECTIONS FOR THE DURHAM 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 45156, is adopted and engrossed.

H.B. 516 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF ROCKINGHAM AND STATESVILLE AND THE TOWN OF SMITHFIELD TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT, 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 80330, is adopted and engrossed.

By Senator Shaw for the **Transportation Committee:**

H.B. 692 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LICENSED AUCTIONEERS CONDUCTING AUCTIONS FOR MOTOR VEHICLE DEALERS DO NOT NEED MOTOR VEHICLE DEALER LICENSES, with a favorable report.

Upon motion of Senator Shaw, the Committee Substitute bill is placed on the Calendar for Wednesday, June 18.

H.B. 425 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT THAT SMALL HORSE TRAILERS DESIGNED TO CARRY FOUR OR FEWER HORSES MUST STOP AT PERMANENT WEIGH STATIONS, 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 30378, which changes the title to read **H.B. 425** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENT THAT SMALL HORSE TRAILERS DESIGNED TO CARRY FOUR OR FEWER HORSES MUST STOP AT PERMANENT WEIGH STATIONS, is adopted and engrossed.

Upon motion of Senator Shaw, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, June 18.

H.B. 944 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN NOTIFICATIONS BEFORE A TOWER MAY COLLECT CERTAIN CHARGES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

June 11, 2003

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30379, is adopted and engrossed.

Upon motion of Senator Shaw, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, June 18.

CALENDAR (*continued*)

H.B. 597 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS AND FROM THE CORPORATE LIMITS OF THE CITY OF LUMBERTON, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—46.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Thursday, June 12, upon third reading.

H.B. 598, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—46.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Thursday, June 12, upon third reading.

S.B. 319 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CABARRUS COUNTY DEMONSTRATION WORK OVER WELFARE PROGRAM, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled.

H.B. 440 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WENTWORTH TO EXEMPT AGRICULTURAL LAND USES WITHIN THAT JURISDICTION FROM ZONING AND TO PROVIDE FOR THE CREATION OF ECONOMIC DEVELOPMENT AND TRAINING DISTRICTS, upon third reading.

Senator Smith offers Amendment No. 2 which is adopted (47-0).

The Senate 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 408 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SECRET PEEPING STATUTE AND TO MAKE CONFORMING CHANGES.

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. 786 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND LIABILITY RULES THAT APPLY TO CIVIL PARKING AND RED LIGHT CAMERA ENFORCEMENT ACTIONS.

The Senate Committee Substitute bill passes its second (46-1) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 137, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MUNICIPAL SERVICE DISTRICTS FOR TRANSIT-ORIENTED DEVELOPMENT AND TO AUTHORIZE CITIES TO USE SPECIAL OBLIGATION FINANCING FOR PROJECTS WITHIN MUNICIPAL SERVICE DISTRICTS, with a favorable report.

S.B. 633, A BILL TO BE ENTITLED AN ACT TO REVISE THE UNIVERSITY OF NORTH CAROLINA SPECIAL OBLIGATION BOND LAW, with a favorable report.

H.B. 626, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF GREENSBORO AND THE PIEDMONT TRIAD INTERNATIONAL AIRPORT ADMINISTRATION TO AMEND THE BOUNDARIES OF CERTAIN TERRITORY THAT CANNOT BE ANNEXED BY THE CITY UNDER GENERAL LAW, with a favorable report.

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H.B. 680, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF GRANITE QUARRY, with a favorable report.

H.B. 697 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF TROY AND ITS REDEVELOPMENT COMMISSION TO ACQUIRE PROPERTY WITHIN A REDEVELOPMENT AREA USING THE "QUICK TAKE" PROCEDURE, with a favorable report.

H.B. 774 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWN OF BEAUFORT, with a favorable report.

By Senator Metcalf for the **Education/Higher Education Committee**:

H.B. 38 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SHORTEN THE PROBATIONARY PERIOD FOR CAREER TEACHERS WHEN THEY CHANGE SCHOOL SYSTEMS OR RETURN TO TEACHING AFTER LEAVING THE PROFESSION, 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 80332, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 807 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN PROVISIONS OF THE LAW ESTABLISHING THE ELECTIVE SHARE OF A DECEDENT'S SURVIVING SPOUSE.

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. 926 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PENALTY FOR AN ASSAULT IN THE PRESENCE OF A MINOR.

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. 1037 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CRIMINAL PENALTIES FOR ALLOWING JUVENILES TO ESCAPE AND TO ALLOW JUVENILE DETENTION FACILITIES TO PHOTOGRAPH JUVENILES AND TO RELEASE THE PHOTOGRAPHS WHEN THE JUVENILE ESCAPES.

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. 1120 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT

TO PERMIT THE APPOINTMENT OF CERTAIN HIGH SCHOOL STUDENTS AS STUDENT ELECTION ASSISTANTS AND TO MAKE OTHER CHANGES TO THE ELECTION LAWS.

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. 1135 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT STUDENTS RECOMMENDED FOR LONG-TERM SUSPENSION RECEIVE A FREE AND APPROPRIATE EDUCATION.

Senator Malone offers Amendment No. 1 which is adopted (47-0).

Senator Shubert offers Amendment No. 2 as a perfecting amendment to Amendment No. 1 which is adopted (24-23).

The Senate Committee Substitute bill, as amended, passes its third reading (42-5) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

The Chair grants a leave of absence for the remainder of today's session to Senator Metcalf.

H.B. 1171 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW PROHIBITING HAZING.

Senator Webster offers Amendment No. 1 which fails of adoption (10-36).

Senator Rand calls the previous question on the passage of the bill, seconded by Senator Gulley, which motion prevails (34-11).

The Senate Committee Substitute bill passes its third reading (42-4) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 424 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING TUITION WAIVERS AND TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY WHETHER TO EXTEND THESE TUITION WAIVERS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 437 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A PLUMBING AND HEATING CONTRACTOR OR AN ELECTRICAL CONTRACTOR LICENSED UNDER CHAPTER 87 OF THE GENERAL STATUTES TO BID AND CONTRACT DIRECTLY WITH THE OWNER OF A PUBLIC BUILDING PROJECT IN CERTAIN CIRCUMSTANCES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hoyle, the Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 549 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT THE REVISED UNIFORM PRINCIPAL AND INCOME ACT, for concurrence in the House Committee Substitute bill.

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Upon motion of Senator Hagan, the Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 627 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEDICATE AND ACCEPT CERTAIN PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE, TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, AND TO DELETE A PARK FROM THE STATE PARKS SYSTEM, for concurrence in the House Committee Substitute bill.

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 44, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Bingham, Blake, Brock, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Malone, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

Voting in the negative: Senators Berger and Webster—2.

The Senate concurs in the House Committee Substitute bill on its third reading by a three-fifths majority vote, ayes 44, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Bingham, Blake, Brock, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Malone, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

Voting in the negative: Senators Berger and Webster—2.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 706 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW A PUBLIC UNIVERSITY TO ADD BLEACHERS TO AN EXISTING SOFTBALL FIELD WITHOUT HAVING TO CONSTRUCT ADDITIONAL PLUMBING FACILITIES, for concurrence in the House Committee Substitute bill No. 2.

The Senate concurs in the House Committee Substitute bill No. 2 (45-0) and the measure is ordered enrolled and sent to the Governor.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

H.B. 773 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO REQUIRE SPRINKLERS IN BARS,

CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY, 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 30380, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 384 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN AND WILMINGTON URBAN LOOPS AND OTHER INTRASTATE IMPROVEMENT PROJECTS.

Upon motion of Senator Gulley, the Senate adopts the Conference Report (46-0).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 777 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW WITH REGARD TO THE MANUFACTURE, SALE, AND DISTRIBUTION OF TRAILERS AND SEMITRAILERS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 12.

H.B. 815, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF CHEMICAL DEPENDENCY TREATMENT FACILITY TO PROVIDE THAT SOCIAL SETTING DETOXIFICATION FACILITIES AND MEDICAL DETOXIFICATION FACILITIES ARE NOT CHEMICAL DEPENDENCY TREATMENT FACILITIES FOR THE PURPOSES OF CERTIFICATE OF NEED REQUIREMENTS AND TO AMEND THE DEFINITION OF CHEMICAL DEPENDENCY TREATMENT BED TO PROVIDE THAT BEDS LICENSED FOR DETOXIFICATION ARE NOT CHEMICAL DEPENDENCY TREATMENT BEDS FOR THE PURPOSES OF CERTIFICATE OF NEED REQUIREMENTS.

Referred to **Health and Human Resources Committee**.

Upon motion of Senator Dannelly, seconded by Senator Apodaca, the Senate adjourns at 4:58 P.M. subject to receipt of committee reports, to meet tomorrow, Thursday, June 12, at 12:00 Noon.

SEVENTY-EIGHTH DAY

Senate Chamber
Thursday, June 12, 2003

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 Michael Frese, Pastor, Long Memorial United Methodist Church, Roxboro, North Carolina as follows:

"Let us pray. Eternal God, the earth was created by Your command. The cosmos was established by Your wisdom. The world and all that is in it belongs to You. Forgive us for making the distinction between the sacred and the secular, that which belongs to You and that which belongs to us. For all that is, all that was, and all that ever will be is from You and of You. Thus, we claim that the work done in this Chamber is not only a civic duty, but a sacred responsibility. Inspire those who gather here to be agents of Your divine work. May Your love be the lens through which they perceive the world, Your mercy be the frame of reference that brings all else into focus, and Your justice the horizon that brings everything into perspective. Amen."

The Chair grants leaves of absence for today to Senator Carpenter, Senator Carrington, Senator Garwood, Senator Sloan and Senator Tillman.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, 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. Grant F. Koher from Chapel Hill, 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.

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 Kinnaird:

S.R. 1025, A SENATE RESOLUTION HONORING THE ROCKY RIVER FRIENDS CHURCH IN CHATHAM COUNTY ON ITS 250TH ANNIVERSARY.

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. 697 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF TROY AND ITS REDEVELOPMENT COMMISSION TO ACQUIRE PROPERTY WITHIN A REDEVELOPMENT AREA USING THE "QUICK TAKE" PROCEDURE.

Upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 18, upon second reading.

H.B. 1062 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE COMMUNITY WATER SYSTEMS THAT REGULARLY SERVE ONE THOUSAND OR MORE SERVICE CONNECTIONS OR THREE THOUSAND OR MORE INDIVIDUALS TO PREPARE LOCAL WATER SUPPLY PLANS AND TO AUTHORIZE THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO MAKE DROUGHT DESIGNATIONS.

Upon motion of Senator Albertson, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 17.

H.B. 826 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CONFIDENTIALITY PROVISIONS OF CHAPTER 122C OF THE GENERAL STATUTES TO PERMIT IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM.

Upon motion of Senator Hartsell, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 17.

WITHDRAWAL FROM COMMITTEE

H.B. 1070 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXPENDITURE BENCHMARK FOR A SPECIAL RESPONSIBILITY CONSTITUENT INSTITUTION FOR CERTAIN PURCHASING CONTRACTS, re-referred to the **Appropriations/Base Budget Committee** on June 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Senate Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Wednesday, June 18, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Wednesday, June 18.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 424, AN ACT TO AMEND THE LAW CONCERNING TUITION WAIVERS AND TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY WHETHER TO EXTEND THESE TUITION WAIVERS.

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S.B. 437, AN ACT TO ALLOW A PLUMBING AND HEATING CONTRACTOR OR AN ELECTRICAL CONTRACTOR LICENSED UNDER CHAPTER 87 OF THE GENERAL STATUTES TO BID AND CONTRACT DIRECTLY WITH THE OWNER OF A PUBLIC BUILDING PROJECT IN CERTAIN CIRCUMSTANCES.

S.B. 549, AN ACT TO ADOPT THE REVISED UNIFORM PRINCIPAL AND INCOME ACT.

S.B. 622, AN ACT TO FURTHER PROMOTE E-COMMERCE AND E-GOVERNMENT.

S.B. 627, AN ACT TO DEDICATE AND ACCEPT CERTAIN PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE, TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, AND TO DELETE A PARK FROM THE STATE PARKS SYSTEM.

S.B. 706, AN ACT TO ALLOW A PUBLIC UNIVERSITY TO ADD BLEACHERS TO AN EXISTING SOFTBALL FIELD WITHOUT HAVING TO CONSTRUCT ADDITIONAL PLUMBING FACILITIES.

H.B. 892, AN ACT TO DETERMINE WHETHER A DRIVER OF A TRUCK, TRACTOR, OR TRUCK TRACTOR TRAILER OF AN INTERSTATE OR INTRASTATE MOTOR CARRIER IS AN EMPLOYEE SUBJECT TO THE WORKERS' COMPENSATION ACT AND TO DEFINE THE OBLIGATIONS UNDER THE ACT FOR SUCH DRIVERS.

H.B. 1123, AN ACT TO EXPRESSLY PROVIDE FOR LIMITED GUARDIANSHIPS FOR INCOMPETENT PERSONS AND TO CLARIFY THE DUTY OF A GUARDIAN AD LITEM APPOINTED TO REPRESENT A PERSON IN AN INCOMPETENCY ADJUDICATION AND TO CLARIFY THE APPOINTMENT OF GUARDIAN AD LITEMS UNDER RULE 17 OF THE RULES OF CIVIL PROCEDURE.

H.B. 1151, AN ACT TO AMEND THE ADMINISTRATIVE PROCEDURE ACT TO REVISE THE PROCEDURE FOR ADOPTING PERMANENT AND TEMPORARY RULES, TO CREATE A PROCEDURE FOR THE ADOPTION OF EMERGENCY RULES, TO CLARIFY THE ROLE OF THE RULES REVIEW COMMISSION, AND TO EXCLUDE THE STATE MEDICAL FACILITIES PLAN FROM THE DEFINITION OF A RULE.

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. 319, AN ACT AMENDING THE CABARRUS COUNTY DEMONSTRATION WORK OVER WELFARE PROGRAM.

H.B. 655, AN ACT TO ESTABLISH A NO-WAKE ZONE ON PEMBROKE CREEK IN CHOWAN COUNTY AND A GATES COUNTY TAX CERTIFICATION REQUIREMENT.

H.B. 696, AN ACT TO AMEND THE CHARTER OF THE TOWN OF WADESBORO TO EXTEND THE MAYOR'S TERM OF OFFICE FROM TWO TO FOUR YEARS AND TO AMEND THE CHARTER OF THE TOWN OF ANSONVILLE TO EXTEND THE MAYOR'S AND COUNCIL MEMBERS' TERMS OF OFFICE FROM TWO TO FOUR YEARS.

S.J.R. 1021, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE REAPPOINTMENT OF JO ANNE SANFORD TO THE UTILITIES COMMISSION. (Res. 16)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 75, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35321, which changes the title to read **S.B. 75** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A LIFE SCIENCES REVENUE BOND AUTHORITY, is adopted and engrossed.

S.B. 668, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE COMMISSION TO ISSUE BEER AND WINE SHIPPERS PERMITS TO ALLOW THE DIRECT SHIPMENT OF MALT BEVERAGES AND WINES TO RESIDENTS OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85254, which changes the title to read **S.B. 668** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE WINE SHIPPERS PERMITS TO ALLOW THE DIRECT SHIPMENT OF WINES TO RESIDENTS OF NORTH CAROLINA AND TO ESTABLISH A MECHANISM FOR COLLECTING THE TAXES DUE ON WINE SHIPPED TO NORTH CAROLINA, is adopted and engrossed.

H.B. 542, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF CASWELL BEACH, OAK ISLAND, AND OCEAN ISLE BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR THE PURPOSES OF ENGAGING IN BEACH EROSION CONTROL, FLOOD AND HURRICANE PROTECTION WORKS, AND PUBLIC BEACH ACCESS, 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 30381, which changes the title to read **H.B. 542** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF CASWELL BEACH, OAK ISLAND, OCEAN ISLE BEACH, AND SUNSET BEACH AND THE VILLAGE OF BALD HEAD ISLAND TO EXERCISE THE POWER OF

EMINENT DOMAIN FOR THE PURPOSES OF ENGAGING IN BEACH EROSION CONTROL, FLOOD AND HURRICANE PROTECTION WORKS, AND PUBLIC BEACH ACCESS, is adopted and engrossed.

H.B. 469 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COLUMBUS, DAVIE, DUPLIN, AND LENOIR COUNTIES, CERTAIN DISTRICTS CREATED BY THESE COUNTIES, AND MUNICIPALITIES LOCATED WITHIN THESE COUNTIES TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR SERVICES, 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 30382, which changes the title to read **H.B. 469** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COLUMBUS, DAVIE, DUPLIN, AND LENOIR COUNTIES, CERTAIN DISTRICTS CREATED BY THESE COUNTIES, AND MUNICIPALITIES LOCATED WITHIN THESE COUNTIES TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 737 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE RECALL ELECTIONS FOR THE DURHAM BOARD OF EDUCATION.

Upon motion of Senator Lucas, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **State Government, Local Government, and Veterans' Affairs Committee**.

CONFERENCE REPORT

Senator Kinnaird, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 745** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP OF THE NORTH CAROLINA INDIAN CULTURAL CENTER BOARD, 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 745, A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP OF THE NORTH CAROLINA INDIAN CULTURAL CENTER BOARD, Senate State Government, Local Government, and Veterans' Affairs Committee Substitute Adopted 5/14/03, submit the following report:

The House and Senate agree to the following amendment to the Senate

Committee Substitute, Senate State and Local Government and Veterans' Affairs Committee Substitute Adopted 5/14/03, 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 H745-PCCS30363-RK-15.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 12, 2003.

Conferees for the Senate

Conferees for the
House of Representatives

S/Eleanor Gates Kinnaird, Chair
S/Katie G. Dorsett
S/David F. Weinstein
S/Richard Y. Stevens

S/Ronnie N. Sutton, Chair
S/Douglas Yongue
S/Mitchell S. Setzer
S/Keith P. Williams

The text of the attached Proposed Conference Committee Substitute H745-PCCS30363-RK-15 is as follows:

A BILL TO BE ENTITLED

AN ACT TO REVISE THE MEMBERSHIP OF THE NORTH CAROLINA INDIAN CULTURAL CENTER BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (b) of Section 2 of S.L. 1997-41, as amended by S.L. 1998-19 and S.L. 2001-318, reads as rewritten:

"(b) The Board of the North Carolina Indian Cultural Center, Inc., shall consist of ~~17~~19 members, appointed as follows:

- (1) One member representing each of the following Indian groups recognized by the State of North Carolina: the Coharie of Sampson and Harnett Counties; the Eastern Band of Cherokees; the Haliwa of Halifax, Warren, and adjoining counties;
- (2) One member each from the following Indian organizations: the Cumberland County Association for Indian People, the Guilford Native Americans, the Metrolina Native Americans, and the Triangle Native American Society;
- (3) ~~One member~~Two members representing the education community of the ~~State~~State and residing in Bladen, Columbus, Cumberland, Hoke, Robeson, or Scotland County;
- (4) ~~Two~~Three members representing the business community of the ~~State~~State and residing in Bladen, Columbus, Cumberland, Hoke, Robeson, or Scotland County;
- (5) Two members representing the government of the State of North Carolina; and
- (6) One member representing the federal government.

Each member designated in subdivisions (1) and (2) above shall be appointed by the North Carolina Commission of Indian Affairs from two prioritized nominations

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submitted by the group or organization to be represented by that member. Each member designated in subdivisions (3) through (6) above shall be appointed by the North Carolina Commission of Indian Affairs from two prioritized nominations submitted by the Board of the North Carolina Indian Cultural Center, Inc. If the nominating group or organization submits only one nomination or fails to submit nominations for any reason within 30 days after the date designated for submission by the Commission, the Commission shall appoint a member of its choice to fill the requirement. The Board of the North Carolina Indian Cultural Center, Inc., shall appoint a chair from the Board membership.

Members shall serve two-year terms, except that the initial terms of:

- (1) The members representing the Coharie of Sampson and Harnett Counties, the Eastern Band of Cherokees, the Indians of Person County; and the Meherrin of Hertford County; the member representing the Metrolina Native Americans; the member representing the education community of the State; one member representing the government of the State of North Carolina; and one member representing the business community shall be for one year; and
- (2) The members representing the Haliwa of Halifax, Warren, and adjoining counties, the Lumbees of Robeson, Hoke, and Scotland Counties, and the Waccamaw-Siouan from Columbus and Bladen Counties; the members representing the Cumberland County Association for Indian People and the Guilford Native Americans; one member representing the business community of the State; one member representing the government of the State of North Carolina; and one member representing the federal government shall be for two years."

SECTION 2. If the members representing the education community and the business community do not meet the residency requirement provided for in Section 1 of this act on the effective date of this act, new members shall be appointed to those seats to serve the remainder of those members' terms. The additional members of the educational and business communities, as provided for in this act, shall be appointed so that their terms run concurrently with the terms of the current educational and business community members.

SECTION 3. This act becomes effective July 1, 2003.

The Conference Committee Substitute bill is placed on the calendar for Monday, June 16.

REPORTS OF COMMITTEES

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee:**

S.B. 859, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ESTABLISHMENT AND PARTICIPATION IN A BI-STATE ADVISORY AND PLANNING AND STUDY COMMISSION FOR THE CATAWBA-WATEREE RIVER BASIN, TO INVITE THE STATE OF SOUTH CAROLINA TO

PARTICIPATE IN THE COMMISSION, AND TO APPROPRIATE FUNDS FOR THE ESTABLISHMENT OF SUCH A 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 35322, which changes the title to read **S.B. 859** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CATAWBA RIVER BASIN BI-STATE ADVISORY COMMISSION AND TO APPROPRIATE FUNDS TO ENABLE THE COMMISSION TO ACHIEVE ITS PURPOSES, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

CALENDAR *(continued)*

H.B. 597 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS AND FROM THE CORPORATE LIMITS OF THE CITY OF LUMBERTON, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Webster and Weinstein—44.

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.

H.B. 598, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Webster and Weinstein—44.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 626, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF GREENSBORO AND THE PIEDMONT TRIAD INTERNATIONAL AIRPORT ADMINISTRATION TO AMEND THE BOUNDARIES OF CERTAIN TERRITORY THAT CANNOT BE ANNEXED BY THE CITY UNDER GENERAL LAW, 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, Apodaca, Ballantine,

Basnight, Berger, Bingham, Blake, Brock, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Webster and Weinstein—44.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 16, upon third reading.

H.B. 680, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF GRANITE QUARRY, 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Webster and Weinstein—44.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 16, upon third reading.

H.B. 774 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWN OF BEAUFORT, 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Webster and Weinstein—44.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, June 16, upon third reading.

H.B. 70 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT SO THAT THE GENERAL LAW ON DEFINITION OF A SUBDIVISION APPLIES IN PENDER 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.

H.B. 516 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF ROCKINGHAM AND STATESVILLE AND THE TOWN OF SMITHFIELD TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT.

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. 773 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY.

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.

WITHDRAWAL FROM COMMITTEE

S.B. 20, A BILL TO BE ENTITLED AN ACT TO REQUIRE LICENSURE OF PROFESSIONAL EMPLOYER ORGANIZATIONS, referred to the **Judiciary II Committee** on February 10.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary II Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary II Committee** and refers the measure to the **Finance Committee**.

S.B. 137, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MUNICIPAL SERVICE DISTRICTS FOR TRANSIT-ORIENTED DEVELOPMENT AND TO AUTHORIZE CITIES TO USE SPECIAL OBLIGATION FINANCING FOR PROJECTS WITHIN MUNICIPAL SERVICE DISTRICTS.

Upon motion of Senator Clodfelter, the President orders, without objection, the bill temporarily displaced.

S.B. 633, A BILL TO BE ENTITLED AN ACT TO REVISE THE UNIVERSITY OF NORTH CAROLINA SPECIAL OBLIGATION BOND LAW, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas and Weinstein—44.

Voting in the negative: Senator Webster—1.

The bill remains on the Calendar for Monday, June 16, upon third reading.

H.B. 38 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SHORTEN THE PROBATIONARY PERIOD FOR CAREER TEACHERS WHEN THEY CHANGE SCHOOL SYSTEMS OR RETURN TO TEACHING AFTER LEAVING THE PROFESSION.

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. 601 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE EARLY ENTRY OF MOTIVATED STUDENTS INTO FOUR-

YEAR COLLEGE PROGRAMS.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 137, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MUNICIPAL SERVICE DISTRICTS FOR TRANSIT-ORIENTED DEVELOPMENT AND TO AUTHORIZE CITIES TO USE SPECIAL OBLIGATION FINANCING FOR PROJECTS WITHIN MUNICIPAL SERVICE DISTRICTS, temporarily displaced earlier, upon second reading.

Senator Clodfelter offers Amendment No. 1 which is adopted (45-0).

The bill, as amended, passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Webster and Weinstein—45.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for Monday, June 16, upon third reading.

H.B. 1016 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD PARTICULAR UNIVERSITY FACILITIES AS NONSMOKING AREAS.

The Senate Committee Substitute bill passes its second (44-1) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

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 Rand:

S.J.R. 1026, A JOINT RESOLUTION PROVIDING THAT THE 2003 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO COMMEMORATE THE 100TH ANNIVERSARY OF ORVILLE AND WILBUR WRIGHT'S FIRST FLIGHT AND INVITING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY.

Senator Rand offers a motion that the rules be suspended to the end that the joint resolution be placed on today's Calendar, which motion prevails, with unanimous consent.

CALENDAR (*continued*)

H.B. 1032 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING LOCAL BOARDS OF EDUCATION TO GIVE PREFERENCE IN PURCHASING CONTRACTS TO HIGH-CALCIUM FOODS AND BEVERAGES.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 777 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW WITH REGARD TO THE MANUFACTURE, SALE, AND DISTRIBUTION OF TRAILERS AND SEMITRAILERS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Foxx, the Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 840 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT FOLKMOOT USA AS NORTH CAROLINA'S OFFICIAL INTERNATIONAL FESTIVAL AND ADOPTING THE CAROLINA LILY AS THE OFFICIAL WILDFLOWER OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Queen, the Senate fails to concur in the House Committee Substitute bill (15-30).

Senator Queen offers a motion that the Senate appoint conferees, which motion prevails.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 840 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT FOLKMOOT USA AS NORTH CAROLINA'S OFFICIAL INTERNATIONAL FESTIVAL AND ADOPTING THE CAROLINA LILY AS THE OFFICIAL WILDFLOWER OF NORTH CAROLINA.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 840 earlier today and the motion by Senator Queen to appoint conferees having prevailed, Senator Basnight President *Pro Tempore*, announces the appointment of Senator Queen, Chair; Senator Metcalf; and Senator Stevens 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.J.R. 1026, A JOINT RESOLUTION PROVIDING THAT THE 2003 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO COMMEMORATE THE 100TH ANNIVERSARY OF ORVILLE AND WILBUR WRIGHT'S FIRST FLIGHT AND INVITING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, placed earlier on today's Calendar.

The joint resolution passes its second (44-0) and third readings and is ordered sent to the House of Representatives by special message.

RECOGNITION OF SENATE PAGES

Senator Basnight recognizes the Pages and offers them an opportunity to address the Senate.

June 12, 2003

Upon motion of Senator Webster, the words spoken by Misty Bradley and Bradley Gray are spread upon the journal as follows:

Misty Bradley, Rutherfordton, North Carolina:

"Hello, my name is Misty Bradley and I'm from Rutherfordton, North Carolina. First of all, I'd like to thank Senator Walter Dalton for sponsoring me and I also thank all of the Senators here for being helpful and kind and everything and for making this week a good experience for me. I really enjoyed the Senate Page Program and I've enjoyed running errands for people and coming to committee meetings and the Senate sessions and everything. I also thank my fellow Senate Pages because they were very helpful to me and they were always helping me around and everything. We all got along very well together so this week has been a great experience and I thank you for having me."

Bradley Gray, Greenville, North Carolina:

"My name is Bradley Gray. I'm from Greenville, North Carolina. My Senator is Senator Tony Moore and he sits right there. I don't think he's in here. I think the Page Program is a good educational experience for me and I think most every one of my friends in here who are also Pages have enjoyed it, too. I just want to thank y'all for supporting the Pages because I know if it wasn't for the Senators we wouldn't have a Page group. I just want to thank y'all."

Upon motion of Senator Basnight, seconded by Senator Thomas, the Senate adjourns subject to reading of messages from the House of Representatives, to meet Monday, June 16, at 7:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 471 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO BRING STATE LAW INTO COMPLIANCE WITH RECENTLY ADOPTED FEDERAL REGULATIONS CONCERNING THE EFFECT OF VIOLATION OF RAILROAD CROSSING SAFETY AND OTHER STATE LAWS ON COMMERCIAL DRIVERS LICENSES, AND REQUIRING A NEW "S" ENDORSEMENT FOR PERSONS OPERATING SCHOOL BUSES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE; AND TO REQUIRE A MOPED IDENTIFICATION TAG.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 511, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN TOWN-OWNED PROPERTIES OF THE TOWN OF ANDREWS FROM THE CEILING ON VOLUNTARY SATELLITE ANNEXATIONS.

Referred to **Finance Committee**.

H.B. 673 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE THE COUNTY OF AVERY TO ESTABLISH AN AVERY COUNTY FIRE COMMISSION.

Referred to **State Government, Local Government, and Veterans' Affairs Committee.**

H.B. 725 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CITY OF CLAREMONT AND THE CITY OF CONOVER AND ANNEXING CERTAIN DESCRIBED PROPERTY TO THE CITY OF CLAREMONT.

Referred to **Finance Committee.**

H.B. 1074 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE A STATUTE TO CREATE A BUTNER ADVISORY COUNCIL SO AS TO ELECT ALL MEMBERS AT LARGE IN ONE MULTISEAT RACE AND ELIMINATE STAGGERED TERMS; TO DEFINE THE ELECTORAL JURISDICTION OF THE COUNCIL AND THE JURISDICTION OF SPECIAL POLICE OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY; AND TO AMEND THE LEGISLATION IN OTHER NEEDED WAYS.

Referred to **Finance Committee.**

S.B. 502 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A DEPUTY TO GAIN ACCESS TO THE CONTENTS OF A DECEDENT'S SAFE-DEPOSIT BOX, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, June 16.

S.B. 503 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LAWS RELATING TO THE ATTENDANCE AGES AND ELIGIBILITY OF STUDENTS FOR NORTH CAROLINA SCHOOLS FOR THE DEAF, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, June 16.

S.B. 652 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN AIRPORT AUTHORITIES TO ENTER INTO INSTALLMENT CONTRACTS, TO EXTEND FROM TEN TO FIFTEEN YEARS THE MAXIMUM REPAYMENT PERIOD FOR DAM REPAIR ASSESSMENTS IN THE VILLAGE OF PINEHURST, AND TO ALLOW THE STANLY COUNTY AIRPORT AUTHORITY TO ENTER INTO LONG-TERM LEASES WITH THE UNITED STATES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, June 16.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 1:27 P.M.

SEVENTY-NINTH DAY

Senate Chamber
Monday, June 16, 2003

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, an old man would sit motionless in church for hours on end. When someone asked him what God talked to him about, the man replied, 'God doesn't talk. He just listens.' 'Well then, what do you talk about?' The man said, 'I don't talk either, I just listen.'

"The old man had learned to communicate with You, O God, without breaking the silence with words. We can't do without words in everyday life, especially here in our Senate. Words communicate needs and facts about the state of our State, but if we try to communicate only with words, surely we'll get tired of what we're saying.

"This week give us moments of silent communication with You that energize us and help us to communicate authentically with others. Amen."

The Chair grants leaves of absence for tonight to Senator Albertson, Senator Hargett, Senator Hoyle, Senator Jenkins and Senator Shaw.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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 Rachel Manriquez from Fuquay-Varina, 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. 450, AN ACT TO PROVIDE FOR THE RELEASE OR REFUND OF CERTAIN PROPERTY TAXES.

S.B. 694, AN ACT TO PROVIDE IN THE SAME MANNER AS FEDERAL LAW THAT A CONTROLLED SUBSTANCE ANALOGUE SHALL, TO THE EXTENT INTENDED FOR HUMAN CONSUMPTION, BE TREATED AS A CONTROLLED SUBSTANCE IN SCHEDULE I OF THE NORTH CAROLINA CONTROLLED SUBSTANCES ACT.

S.B. 777, AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW WITH REGARD TO THE MANUFACTURE, SALE, AND DISTRIBUTION OF TRAILERS AND SEMITRAILERS.

S.B. 912, AN ACT TO CREATE THE OFFENSE OF SEXUAL BATTERY.

H.B. 601, AN ACT TO ENCOURAGE EARLY ENTRY OF MOTIVATED STUDENTS INTO FOUR-YEAR COLLEGE PROGRAMS.

H.B. 1032, AN ACT REQUIRING LOCAL BOARDS OF EDUCATION TO GIVE PREFERENCE IN PURCHASING CONTRACTS TO HIGH-CALCIUM FOODS AND BEVERAGES.

The Enrolling Clerk reports the following bills and resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 598, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS.

S.J.R. 1026, A JOINT RESOLUTION PROVIDING THAT THE 2003 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO COMMEMORATE THE 100TH ANNIVERSARY OF ORVILLE AND WILBUR WRIGHT'S FIRST FLIGHT AND INVITING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY. (Res. 17)

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. 394, AN ACT ALLOWING A CLAIM FOR EQUITABLE DISTRIBUTION TO SURVIVE THE DEATH OF A SPOUSE WHEN THE PARTIES ARE LIVING SEPARATE AND APART AT THE TIME OF DEATH AND THE CLAIM IS TIMELY FILED. (Became law upon approval of the Governor, June 12, 2003–S.L. 2003-168.)

H.B. 273, AN ACT TO ENSURE THAT EMPLOYEES WHO RECEIVE VACCINATION AGAINST SMALLPOX INCIDENT TO THE ADMINISTRATION OF SMALLPOX COUNTERMEASURES BY HEALTH PROFESSIONALS UNDER SECTION 304 OF THE FEDERAL HOMELAND SECURITY ACT OF 2002 AND ANY HOUSEHOLD MEMBERS LIVING IN THE HOMES OF THESE VACCINATED EMPLOYEES WILL BE COVERED FOR ADVERSE MEDICAL REACTIONS DUE TO THE VACCINATION. (Became law upon approval of the Governor, June 12, 2003–S.L. 2003-169.)

H.B. 609, AN ACT TO ENHANCE LAWS PERTAINING TO THE AMUSEMENT DEVICE SAFETY ACT OF NORTH CAROLINA. (Became law upon approval of the Governor, June 12, 2003–S.L. 2003-170.)

H.B. 925, AN ACT TO ALLOW COUNTY APPEAL IN JUVENILE "PAY ORDER" CASES. (Became law upon approval of the Governor, June 12, 2003–S.L. 2003-171.)

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H.B. 941, AN ACT PROVIDING FOR THE ANALYSIS OF THE STATE'S LEGACY INFORMATION TECHNOLOGY SYSTEMS. (Became law upon approval of the Governor, June 12, 2003–S.L. 2003-172.)

H.B. 1201, AN ACT TO PROMOTE WATER CONSERVATION BY EXPANDING THE DEFINITION OF CONTIGUOUS PREMISES TO INCLUDE MANUFACTURED HOMES AND MANUFACTURED HOME PARKS. (Became law upon approval of the Governor, June 12, 2003–S.L. 2003-173.)

H.B. 1181, ACT REQUIRING THE REINSPECTION OF WORKPLACES WHERE WILLFUL SERIOUS VIOLATIONS HAVE BEEN FOUND. (Became law upon approval of the Governor, June 12, 2003–S.L. 2003-174.)

S.B. 647, AN ACT TO MAKE STATEWIDE AN ACT CURRENTLY APPLICABLE TO MECKLENBURG AND CATAWBA COUNTIES AND CHARLOTTE AND RALEIGH THAT DEEMS THE CREATION OF A SELF-FUNDED RISK PROGRAM AS THE PURCHASE OF INSURANCE FOR THE PURPOSE OF WAIVING GOVERNMENTAL IMMUNITY. (Became law upon approval of the Governor, June 12, 2003–S.L. 2003-175.)

S.B. 648, AN ACT TO ESTABLISH AN AD HOC CERVICAL CANCER ELIMINATION TASK FORCE TO THE ADVISORY COMMITTEE ON CANCER COORDINATION AND CONTROL. (Became law upon approval of the Governor, June 12, 2003–S.L. 2003-176.)

H.B. 344, AN ACT REQUIRING THE MOTOR FLEET MANAGEMENT DIVISION TO USE BEST MANAGEMENT PRACTICES IN OPERATING THE CENTRAL MOTOR POOL, TO USE A FORMULA TO DETERMINE THE MOST COST-EFFECTIVE REPLACEMENT OF VEHICLES, AND TO REPORT SEMIANNUALLY TO THE GENERAL ASSEMBLY ON THE COST SAVINGS RESULTING FROM USE OF THE FORMULA. (Became law upon approval of the Governor, June 12, 2003–S.L. 2003-177.)

H.B. 883, AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO TEMPORARILY WAIVE CERTAIN REQUIREMENTS OF THE MENTAL HEALTH COMMITMENT STATUTES TO FURTHER MENTAL HEALTH REFORM EFFORTS. (Became law upon approval of the Governor, June 12, 2003–S.L. 2003-178.)

S.B. 897, AN ACT TO EXEMPT FROM PRIOR AUTHORIZATION REQUIREMENTS FOR PRESCRIPTION DRUGS UNDER THE MEDICAID PROGRAM ANTIHEMOPHILIC DRUGS PRESCRIBED FOR THE TREATMENT OF HEMOPHILIA AND BLOOD DISORDERS. (Became law upon approval of the Governor, June 12, 2003–S.L. 2003-179.)

S.B. 692, AN ACT TO PROVIDE THAT CERTAIN INFORMATION CONCERNING PLANS TO RESPOND TO TERRORIST ACTIVITY ARE NOT SUBJECT TO THE PUBLIC RECORDS OR OPEN MEETINGS LAWS. (Became law upon approval of the Governor, June 12, 2003–S.L. 2003-180.)

H.B. 304, AN ACT TO PROVIDE THAT A DEFENDANT CONVICTED OF MISDEMEANOR STALKING WHO IS SENTENCED TO A COMMUNITY PUNISHMENT SHALL BE PLACED ON SUPERVISED PROBATION IN ADDITION TO ANY OTHER PUNISHMENT IMPOSED BY THE COURT. (Became law upon approval of the Governor, June 12, 2003–S.L. 2003-181.)

S.B. 708, AN ACT TO ALLOW CRIMINAL BACKGROUND CHECKS ON PROSPECTIVE MEMBERS OF FIRE DEPARTMENTS. (Became law upon approval of the Governor, June 12, 2003–S.L. 2003-182.)

H.B. 869, AN ACT TO ADVANCE THE DATE FOR REPORTING MAILED ABSENTEE AND ONE-STOP VOTES BY PRECINCT FROM 2006 TO 2004 FOR THOSE COUNTIES CAPABLE OF DOING SO. (Became law upon approval of the Governor, June 12, 2003–S.L. 2003-183.)

S.B. 38, AN ACT TO DESIGNATE THE DEPARTMENT OF TRANSPORTATION AS THE STATE AGENCY RESPONSIBLE FOR FIXED GUIDEWAY TRANSIT SAFETY, TO AMEND THE DEPARTMENT OF TRANSPORTATION LOGO SIGNS PROGRAM TO AUTHORIZE ATTRACTION LOGO SIGNS, TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ADOPT TEMPORARY RULES CONCERNING LOGO SIGNS, TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO AUTOMATE ITS 511 TRAVELER INFORMATION PHONE SYSTEM, AND TO REVISE THE LAW CONCERNING HIGH OCCUPANCY VEHICLE (HOV) LANES. (Became law upon approval of the Governor, June 12, 2003–S.L. 2003-184.)

S.B. 90, AN ACT TO ALLOW SANITARY DISTRICT BOARDS TO SET COMPENSATION FOR ITS MEMBERS. (Became law upon approval of the Governor, June 12, 2003–S.L. 2003-185.)

S.B. 388, AN ACT TO UPDATE THE NORTH CAROLINA GENERAL STATUTES IN RESPONSE TO RECENT MEDICAL ADVANCES IN SCREENING FOR THE EARLY DETECTION OF CERVICAL CANCER. (Became law upon approval of the Governor, June 12, 2003–S.L. 2003-186.)

S.B. 214, AN ACT TO ALLOW TERRITORY TO BE REMOVED FROM A RESEARCH AND PRODUCTION SERVICE DISTRICT. (Became law upon approval of the Governor, June 12, 2003–S.L. 2003-187.)

S.B. 319, AN ACT AMENDING THE CABARRUS COUNTY DEMONSTRATION WORK OVER WELFARE PROGRAM. (Became law upon ratification, June 12, 2003–S.L. 2003-188.)

H.B. 655, AN ACT TO ESTABLISH A NO-WAKE ZONE ON PEMBROKE CREEK IN CHOWAN COUNTY AND A GATES COUNTY TAX CERTIFICATION REQUIREMENT. (Became law upon ratification, June 12, 2003–S.L. 2003-189.)

June 16, 2003

H.B. 696, AN ACT TO AMEND THE CHARTER OF THE TOWN OF WADESBORO TO EXTEND THE MAYOR'S TERM OF OFFICE FROM TWO TO FOUR YEARS AND TO AMEND THE CHARTER OF THE TOWN OF ANSONVILLE TO EXTEND THE MAYOR'S AND COUNCIL MEMBERS' TERMS OF OFFICE FROM TWO TO FOUR YEARS. (Became law upon ratification, June 12, 2003--S.L. 2003-190.)

H.B. 478, AN ACT TO AMEND THE LAW REGARDING THE NORTH CAROLINA CHILD ALERT NOTIFICATION (NC CAN) SYSTEM AND TO RENAME THAT SYSTEM THE AMBER ALERT SYSTEM. (Became law upon approval of the Governor, June 12, 2003--S.L. 2003-191.)

S.B. 877, AN ACT TO ENHANCE PENALTIES FOR VIOLATIONS OF THE CHILD CARE FACILITIES ACT. (Became law upon approval of the Governor, June 12, 2003--S.L. 2003-192.)

H.B. 253, AN ACT TO MAKE TECHNICAL CHANGES TO THE CONTINUING CARE RETIREMENT (CCR) LAWS. (Became law upon approval of the Governor, June 12, 2003--S.L. 2003-193.)

H.B. 825, AN ACT TO REQUIRE ANY PRIVATE OR PUBLIC INSTITUTION THAT OFFERS A POSTSECONDARY DEGREE TO PROVIDE MENINGOCOCCAL DISEASE IMMUNIZATION INFORMATION TO STUDENTS IF THE INSTITUTION HAS A RESIDENTIAL CAMPUS. (Became law upon approval of the Governor, June 12, 2003--S.L. 2003-194.)

H.B. 116, AN ACT TO AMEND THE LAW GOVERNING NOTICE OF TERMINATION OF FARM MACHINERY AGREEMENTS. (Became law upon approval of the Governor, June 12, 2003--S.L. 2003-195.)

H.B. 1063, AN ACT TO REQUIRE OPERATORS OF CHILD CARE FACILITIES TO PROVIDE TO PARENTS THE DIVISION OF CHILD DEVELOPMENT'S SUMMARY OF THE LAWS RELATING TO CHILD CARE FACILITIES, TO REQUIRE THE DIVISION OF CHILD DEVELOPMENT TO INCLUDE IN ITS SUMMARY A STATEMENT ON HOW PARENTS MAY OBTAIN INFORMATION ON INDIVIDUAL CHILD CARE FACILITIES, AND TO REQUIRE CHILD CARE FACILITIES TO POST THE SUMMARY IN A PROMINENT PLACE. (Became law upon approval of the Governor, June 12, 2003--S.L. 2003-196.)

H.B. 706, AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE AND THE GENERAL STATUTES ESTABLISHING A REGIONAL PUBLIC TRANSPORTATION AUTHORITY TO ALLOW THE CITY AND A REGIONAL PUBLIC TRANSPORTATION AUTHORITY TO PURCHASE APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT FOR PUBLIC TRANSIT PURPOSES FROM PERSONS OR ENTITIES THAT HAVE RECENTLY MET STATE BIDDING LAW REQUIREMENTS AND PROVIDED APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT TO THE FEDERAL GOVERNMENT, THE STATE OF NORTH CAROLINA, OR ANOTHER STATE. (Became law upon approval of the Governor, June 12, 2003--S.L. 2003-197.)

H.B. 727, AN ACT TO CLARIFY THAT MEMBERS OF THE SOIL AND WATER CONSERVATION COMMISSION ARE AUTHORIZED TO HOLD OFFICE CONCURRENTLY WITH OTHER ELECTIVE OR APPOINTIVE OFFICES. (Became law upon approval of the Governor, June 13, 2003—S.L. 2003-198.)

S.B. 33, AN ACT TO PROVIDE RECIPROCAL CONCEALED HANDGUN RIGHTS TO CONCEALED HANDGUN PERMIT HOLDERS OF OTHER STATES. (Became law upon approval of the Governor, June 14, 2003—S.L. 2003-199.)

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

H.B. 626, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF GREENSBORO AND THE PIEDMONT TRIAD INTERNATIONAL AIRPORT ADMINISTRATION TO AMEND THE BOUNDARIES OF CERTAIN TERRITORY THAT CANNOT BE ANNEXED BY THE CITY UNDER GENERAL LAW, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Holloman, Horton, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—44.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 680, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF GRANITE QUARRY, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Holloman, Horton, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—44.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 774 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWN OF BEAUFORT, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Holloman, Horton, Kerr,

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Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—44.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

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 Soles for the **Commerce Committee**:

H.B. 1023 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF UNDERINSURED HIGHWAY VEHICLE TO PROVIDE GREATER PROTECTION TO CONSUMERS INJURED IN MOTOR VEHICLE ACCIDENTS, 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 45161, which changes the title to read **H.B. 1023** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW INTERPOLICY STACKING OF UNINSURED MOTORIST COVERAGE, TO AMEND THE DEFINITION OF UNDERINSURED HIGHWAY VEHICLE, AND TO CLARIFY THE AMOUNT OF UNDERINSURED LIABILITY COVERAGE AVAILABLE WHEN MULTIPLE PARTIES ARE INJURED IN MOTOR VEHICLE ACCIDENTS, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 542 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF CASWELL BEACH, OAK ISLAND, OCEAN ISLE BEACH, AND SUNSET BEACH AND THE VILLAGE OF BALD HEAD ISLAND TO EXERCISE THE POWER OF EMINENT DOMAIN FOR THE PURPOSES OF ENGAGING IN BEACH EROSION CONTROL, FLOOD AND HURRICANE PROTECTION WORKS, AND PUBLIC BEACH ACCESS, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Holloman, Horton, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—44.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, June 17, upon third reading.

H.B. 469 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COLUMBUS, DAVIE, DUPLIN, AND LENOIR COUNTIES, CERTAIN DISTRICTS CREATED BY THESE COUNTIES, AND MUNICIPALITIES LOCATED WITHIN THESE COUNTIES TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES.

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.

INTRODUCTION OF A JOINT RESOLUTION

Upon motion of Senator Rand, the rules are suspended and a joint resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Rand and Basnight:

S.J.R. 1027, A JOINT RESOLUTION HONORING THE MEMORY OF ORVILLE AND WILBUR WRIGHT AND ENCOURAGING THE CITIZENS OF THIS STATE TO RECOGNIZE 2003 AS THE AVIATION CENTENNIAL YEAR IN NORTH CAROLINA.

Upon motion of Senator Rand, the joint resolution is placed on the Calendar for tomorrow, Tuesday, June 17.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives
June 12, 2003

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for SB 840, A BILL TO BE ENTITLED AN ACT TO ADOPT FOLKMOOT USA AS NORTH CAROLINA'S OFFICIAL INTERNATIONAL FESTIVAL AND ADOPTING THE CAROLINA LILY AS THE OFFICIAL WILDFLOWER OF NORTH CAROLINA, and requests conferees, Speaker Morgan appoints:

Representative Baker, Chair
Representative Rapp, and
Representative Sherrill

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise Weeks
Principal Clerk

June 16, 2003

House of Representatives
June 12, 2003

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 283, A BILL TO BE ENTITLED AN ACT TO REQUIRE REAL PROPERTY WARRANTY COMPANIES TO CARRY CONTRACTUAL LIABILITY POLICIES; ESTABLISH GREATER UNIFORMITY AND FLEXIBILITY FOR REQUIREMENTS IMPOSED UPON SERVICE AGREEMENT COMPANIES AND PERSONS THAT ISSUE WARRANTIES UNDER ARTICLE 1 OF CHAPTER 58; EXPAND THE DEFINITION OF HOME APPLIANCE WITHIN THE HOME APPLIANCE SERVICE AGREEMENT COMPANIES STATUTE; ENHANCE ENFORCEMENT OF ARTICLE 1 OF CHAPTER 58; REQUIRE MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES TO USE A SPECIFIC FORMAT ON ALL WRITTEN MATERIALS SUBMITTED; MANDATE ALL REQUIRED INSURER SUBMISSIONS TO THE DEPARTMENT OF INSURANCE TO BE IN A SPECIFIC FORMAT IF IN WRITING; DEFINE MECHANICAL BREAKDOWN SERVICE AGREEMENTS AND REQUIRE ALL MECHANICAL BREAKDOWN SERVICE AGREEMENT COMPANIES TO COMPLY WITH ARTICLE 1 OF CHAPTER 58 OF THE GENERAL STATUTES AND WITH THE RULES REGARDING MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES; PROVIDE THAT A BAD CHECK CONSTITUTES GROUNDS FOR TERMINATION OF A MOTOR VEHICLE LIABILITY INSURANCE POLICY; AND AUTHORIZE THE ISSUANCE OF LIMITED LICENSES FOR THE SALE OF INSURANCE COVERAGE ON PERSONAL PROPERTY STORED IN SELF-SERVICE STORAGE UNITS.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 232 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY TO FUND THE ESTABLISHMENT OF BIKEWAYS AND TRAILS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, June 17.

S.B. 558 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS AND TRANSFERORS OF MOTOR VEHICLES

UNAWARE OF PRIOR DAMAGE OR WHEN PRIOR DAMAGE WAS MINOR, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, June 17.

S.B. 656 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE INNOVATIVE EDUCATION INITIATIVES ACT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, June 17.

S.B. 925 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS TO PREVENT SECURITIES FRAUD AND TO CLARIFY THE PROHIBITION ON STATE CONTRACTS 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, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, June 17.

S.B. 966 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE INSURERS TO IMPLEMENT SAFEGUARDS FOR THE PROTECTION OF CUSTOMER INFORMATION, PURSUANT TO THE PROVISIONS OF THE GRAMM-LEACH-BLILEY ACT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, June 17.

H.B. 150 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CRITERIA FOR AWARDING STATE GRANTS TO STUDENTS ATTENDING CERTAIN ACCREDITED INSTITUTIONS OF HIGHER EDUCATION.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 684 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE A STATUTORY FRAMEWORK FOR THE FINANCING OF CAPITAL FACILITIES BY THE STATE AND TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE THE CONSTRUCTION OF A NEW PSYCHIATRIC HOSPITAL TO BE LOCATED IN BUTNER.

Referred to **Finance Committee**.

H.B. 948 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITIES OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND THE WILDLIFE RESOURCES COMMISSION WITH RESPECT TO THE REGULATION OF CERVIDS.

Referred to **Finance Committee**.

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H.B. 1006 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT GREATER CONSUMER PROTECTION TO RESIDENTS OF MANUFACTURED HOUSING IN NORTH CAROLINA.

Referred to **Finance Committee**.

H.B. 1026 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE PROGRAM FOR THE COLLECTION OF WORTHLESS CHECKS AVAILABLE STATEWIDE.

Referred to **Judiciary I Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 1030 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE CONCEALED HANDGUN PERMIT APPLICATION AND RENEWAL FEES FOR QUALIFIED RETIRED SWORN LAW ENFORCEMENT OFFICERS.

Referred to **Finance Committee**.

H.B. 1294 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE QUALIFIED BUSINESS INVESTMENTS TAX CREDIT.

Referred to **Finance Committee**.

CALENDAR *(continued)*

S.B. 668 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE WINE SHIPPERS PERMITS TO ALLOW THE DIRECT SHIPMENT OF WINES TO RESIDENTS OF NORTH CAROLINA AND TO ESTABLISH A MECHANISM FOR COLLECTING THE TAXES DUE ON WINE SHIPPED TO NORTH CAROLINA.

Upon motion of Senator Metcalf, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, June 17, upon second reading.

S.B. 137, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MUNICIPAL SERVICE DISTRICTS FOR TRANSIT-ORIENTED DEVELOPMENT AND TO AUTHORIZE CITIES TO USE SPECIAL OBLIGATION FINANCING FOR PROJECTS WITHIN MUNICIPAL SERVICE DISTRICTS, as amended on second reading, upon third reading.

The bill, as amended, passes its third reading, by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Holloman, Horton, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—43.

Voting in the negative: Senator Webster—1.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 633, A BILL TO BE ENTITLED AN ACT TO REVISE THE UNIVERSITY OF NORTH CAROLINA SPECIAL OBLIGATION BOND LAW, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Holloman, Horton, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—43.

Voting in the negative: Senator Webster—1.

The bill is ordered sent to the House of Representatives.

S.B. 75 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A LIFE SCIENCES REVENUE BOND AUTHORITY.

The Committee Substitute bill passes its second (42-2) and third readings and is ordered sent to the House of Representatives.

S.B. 652 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN AIRPORT AUTHORITIES TO ENTER INTO INSTALLMENT CONTRACTS, TO EXTEND FROM TEN TO FIFTEEN YEARS THE MAXIMUM REPAYMENT PERIOD FOR DAM REPAIR ASSESSMENTS IN THE VILLAGE OF PINEHURST, AND TO ALLOW THE STANLY COUNTY AIRPORT AUTHORITY TO ENTER INTO LONG-TERM LEASES WITH THE UNITED STATES, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Metcalf, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Holloman, Horton, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—44.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, June 17, for concurrence upon third reading.

S.B. 502 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A DEPUTY TO GAIN ACCESS TO THE CONTENTS OF A DECEDENT'S SAFE-DEPOSIT BOX, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Thomas, the Senate concurs in the House Committee Substitute bill (44-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 503 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LAWS RELATING TO THE ATTENDANCE AGES AND ELIGIBILITY OF STUDENTS FOR NORTH CAROLINA SCHOOLS FOR THE DEAF, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Swindell, the Senate concurs in the House Committee Substitute bill (44-0) and the measure is ordered enrolled and sent to the Governor.

H.B. 745 (Conference Report), A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP OF THE NORTH CAROLINA INDIAN CULTURAL CENTER BOARD, for adoption.

Upon motion of Senator Kinnaird, the Senate adopts the Conference Report (44-0).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 16, 2003

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 745 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP OF THE NORTH CAROLINA INDIAN CULTURAL CENTER BOARD.

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

H.J.R. 1329, A JOINT RESOLUTION HONORING THE TOWN OF LILLINGTON ON THE OCCASION OF THE TOWN'S CENTENNIAL AND HONORING THE MEMORY OF GENERAL ALEXANDER LILLINGTON,

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

Upon motion of Senator Rand, the joint resolution is read in its entirety and, upon motion of Senator Foxx, the remarks of the members are spread upon the Journal, as follows:

Senator Rand:

"Thank you Madame President and ladies and gentlemen of the Senate. Lillington is a wonderful town. I used to have to go through Lillington every time I left Fayetteville and came to Raleigh. During a lot of years in the Legislature I became exceedingly familiar with Lillington. I have a lot of really good friends there. I used to go there to go to court back in the early days of my practice. I always enjoyed going to court in Lillington. It was a great place to go and try your case. It had a very interesting group of lawyers there that were quite colorful. It was really a

special part of our State. Of course, its position on the Cape Fear River is very important to those of us who live in the Cape Fear region, who live down the river from Lillington. The good people of Harnett County and the people of Cumberland County share friendships, they share families, and family names. A lot of their history is entwined together. It is a great thing this year, as they celebrate their Centennial and honor the memory of General Lillington, for whom the town is named. I hope those who are not familiar with it, if you have the opportunity, go there and you will avail yourself with the good spirit and hospitality that is the hallmark of this city. So if you have the opportunity to go there you will greatly, greatly enjoy your visit. Thank you, Madame President. I'd ask for your support on this resolution."

Senator Blake:

"I'd like to take this opportunity to say thanks to those great people over in Harnett County because last summer when it was so hot and dry down in Moore County we were running out of water. The good folks and their leadership in Harnett got busy real quick and they're now pumping water from the Cape Fear River over to Moore County. I just wanted to publicly be able to say that and I certainly recommend this resolution."

The joint resolution passes its second reading (44-0) and third reading with members standing and is ordered enrolled.

The President extends the courtesies of the gallery to Dr. Grover A. Smith, Mayor of Lillington, and Esther, his wife; Ms. Marianne Stump, Commissioner, and Colonel Frank Stump, her husband; Mr. Dallas Pope, Commissioner; Mr. Marshall Page, Commissioner, and Mildred, his wife; and Mr. Robert Greback, Town Manager.

WITHDRAWAL FROM COMMITTEE

S.J.R. 1023, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDWARD NELSON WARREN, FORMER MEMBER OF THE GENERAL ASSEMBLY, referred to the **Rules and Operations of the Senate Committee** on May 28.

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 tomorrow, Tuesday, June 17, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for tomorrow, Tuesday, June 17.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Elizabeth Constantinou, Wilmington; Luther Clifton Copeland III, Edenton; Catherine Christina Dixon, Raleigh; Cherrelle Dunston, Warrenton; Christian J. Franco, Fayetteville; Mehegan Griffin, Wilmington; Lindsey Hassell, Elizabeth City; Jared Hayes, Stedman; Nicholas Joyner, Charlotte; Braxton Kinlaw, Ahoskie; Brian

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Donnell Lane, Raleigh; Tyson Lusk, Winston-Salem; Daniel Ronnell Lynch, Fayetteville; Abby Moore, Winterville; James Page, Wilmington; Corinne Porowski, Raleigh; Jake Ramsey, Jacksonville; Rachel Ressler, Raleigh; Zach Rose, Jacksonville; Hillaree Yvonne Stallings, Hertford; William Thomas Swearingen, Cary; Miracle Marie Watson, Raleigh; Matthew Erik Whittenberg, Huntersville; and Elizabeth Wyatt, Fayetteville.

ADDITIONAL SPONSORS

Senator Allran, Senator Ballantine, Senator Berger, Senator Brock, Senator Clodfelter, Senator Dalton, Senator Foxx, Senator Garrou, Senator Kinnaird, Senator Lucas, Senator Metcalf, Senator Pittenger, Senator Rucho, Senator Shubert and Senator Tillman request to be added as a sponsor of previously introduced legislation:

S.J.R. 1023, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDWARD NELSON WARREN, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Upon motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns at 7:57 P.M. to meet tomorrow, Tuesday, June 17, at 1:45 P.M.

EIGHTIETH DAY

Senate Chamber
Tuesday, June 17, 2003

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 William Holliday, Pastor, Hebron United Methodist Church, Mebane, North Carolina as follows:

"Lord God of Heaven, You have called us to serve. From the ocean shores to the highlands You have shown the wonder of creation upon this State we call home. You have blessed us with a richness of beauty and strength of people who have a vision for the future and love of the past.

"In this year when we honor two young men who took flight off the dunes of the Outer Banks, let those who seek to serve be empowered to new heights. In the words of Isaiah, give flight to their visions for tomorrow that they may 'rise up as an eagle' and boldly face the challenges at hand.

"Make us willing to be changed, if need be. Make our hearts warm for Your guidance, that we may receive Your blessings from above. History has shown Your works. Give now that presence to know what You desire us to do or not do for the future, O God, Creator and Redeemer. Amen."

The Chair grants a leave of absence for today to Senator Jenkins.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, June 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. Kathleen J. Clem from Durham, North Carolina, who is serving the Senate as Doctor of the Day.

WITHDRAWAL FROM COMMITTEE

H.J.R. 606 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CLARENCE LIGHTNER, PROMINENT CIVIC LEADER, POLITICIAN, AND BUSINESSMAN, referred to the **Rules and Operations of the Senate Committee** on April 22.

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 tomorrow, Wednesday, June 18, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for tomorrow, Wednesday, June 18.

CONFERENCE REPORT

Senator Soles, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 283** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE REAL PROPERTY WARRANTY COMPANIES TO CARRY CONTRACTUAL LIABILITY POLICIES; ESTABLISH GREATER UNIFORMITY AND FLEXIBILITY FOR REQUIREMENTS IMPOSED UPON SERVICE AGREEMENT COMPANIES AND PERSONS THAT ISSUE WARRANTIES UNDER ARTICLE 1 OF CHAPTER 58; EXPAND THE DEFINITION OF HOME APPLIANCE WITHIN THE HOME APPLIANCE SERVICE AGREEMENT COMPANIES STATUTE; ENHANCE ENFORCEMENT OF ARTICLE 1 OF CHAPTER 58; REQUIRE MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES TO USE A SPECIFIC FORMAT ON ALL WRITTEN MATERIALS SUBMITTED; MANDATE ALL REQUIRED INSURER SUBMISSIONS TO THE DEPARTMENT OF INSURANCE TO BE IN A SPECIFIC FORMAT IF IN WRITING; DEFINE MECHANICAL BREAKDOWN SERVICE AGREEMENTS AND REQUIRE ALL MECHANICAL BREAKDOWN SERVICE AGREEMENT COMPANIES TO COMPLY WITH ARTICLE 1 OF CHAPTER 58 OF THE GENERAL STATUTES AND WITH THE RULES REGARDING MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES; PROVIDE THAT A BAD CHECK CONSTITUTES GROUNDS FOR TERMINATION OF A MOTOR VEHICLE LIABILITY INSURANCE POLICY; AND AUTHORIZE THE ISSUANCE OF LIMITED LICENSES FOR THE SALE OF INSURANCE COVERAGE ON PERSONAL PROPERTY STORED IN SELF-SERVICE STORAGE UNITS, submits for adoption the following report:

June 17, 2003

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 283, A BILL TO BE ENTITLED AN ACT TO REQUIRE REAL PROPERTY WARRANTY COMPANIES TO CARRY CONTRACTUAL LIABILITY POLICIES; ESTABLISH GREATER UNIFORMITY AND FLEXIBILITY FOR REQUIREMENTS IMPOSED UPON SERVICE AGREEMENT COMPANIES AND PERSONS THAT ISSUE WARRANTIES UNDER ARTICLE 1 OF CHAPTER 58; EXPAND THE DEFINITION OF HOME APPLIANCE WITHIN THE HOME APPLIANCE SERVICE AGREEMENT COMPANIES STATUTE; ENHANCE ENFORCEMENT OF ARTICLE 1 OF CHAPTER 58; REQUIRE MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES TO USE A SPECIFIC FORMAT ON ALL WRITTEN MATERIALS SUBMITTED; MANDATE ALL REQUIRED INSURER SUBMISSIONS TO THE DEPARTMENT OF INSURANCE TO BE IN A SPECIFIC FORMAT IF IN WRITING; DEFINE MECHANICAL BREAKDOWN SERVICE AGREEMENTS AND REQUIRE ALL MECHANICAL BREAKDOWN SERVICE AGREEMENT COMPANIES TO COMPLY WITH ARTICLE 1 OF CHAPTER 58 OF THE GENERAL STATUTES AND WITH THE RULES REGARDING MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES; PROVIDE THAT A BAD CHECK CONSTITUTES GROUNDS FOR TERMINATION OF A MOTOR VEHICLE LIABILITY INSURANCE POLICY; AND AUTHORIZE THE ISSUANCE OF LIMITED LICENSES FOR THE SALE OF INSURANCE COVERAGE ON PERSONAL PROPERTY STORED IN SELF-SERVICE STORAGE UNITS, Senate Commerce Committee Substitute Adopted 5/21/03, submit the following report:

The House concurs in the Senate Committee Substitute, and the House and Senate agree to the following amendments:

On page 1, by deleting lines 19 and 20; and

On page 2, line 9, by rewriting the line to read:

“other entity; and (iii) whose service agreements cover ~~only~~ primarily appliances sold by the dealer”; and

On page 3, line 3, by deleting the word "a" and substituting "an audited"; and

On page 3, line 5, by deleting the word "company" and substituting the phrase "company, its parent company."; and

On pages 4 and 5, by deleting Sections 5.(a) and 5.(b);

And by renumbering the remaining sections accordingly.

The conferees recommend that the Senate and the House of Representative adopt this report.

Date Conferees approved report: June 10th, 2003.

Conferees for the Senate

Conferees for the
House of RepresentativesS/R. C. Soles, Jr., Chair
Robert C. Carpenter
S/David W. HoyleS/Edd Nye, Chair
L. Hugh Holliman
S/Mitchell S. Setzer

The Conference Report is placed on the Calendar for tomorrow, Wednesday, June 18, for adoption.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 925 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS TO PREVENT SECURITIES FRAUD AND TO CLARIFY THE PROHIBITION ON STATE CONTRACTS 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.

Upon motion of Senator Rand, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, June 19.

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 Reeves for the **Information Technology Committee**:

H.B. 1194 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE "E-NC" AUTHORITY TO CONTINUE THE WORK OF THE RURAL INTERNET ACCESS AUTHORITY, with a favorable report.

CALENDAR *(continued)*

H.B. 1062 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE COMMUNITY WATER SYSTEMS THAT REGULARLY SERVE ONE THOUSAND OR MORE SERVICE CONNECTIONS OR THREE THOUSAND OR MORE INDIVIDUALS TO PREPARE LOCAL WATER SUPPLY PLANS AND TO AUTHORIZE THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO MAKE DROUGHT DESIGNATIONS.

Upon motion of Senator Albertson, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Agriculture/Environment/Natural Resources Committee**.

The Chair orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to receive the House of Representatives to sit in joint session pursuant to S.J.R. 1026.

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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
June 17, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to SJR 1026, A JOINT RESOLUTION PROVIDING THAT THE 2003 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO COMMEMORATE THE 100TH ANNIVERSARY OF ORVILLE AND WILBUR WRIGHT'S FIRST FLIGHT AND INVITING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, the House stands ready to repair to the Hall of the Senate, there to sit in Joint Session with your Honorable Body.

Respectfully,
S/Denise Weeks
Principal Clerk

JOINT SESSION

With Members of the Senate standing, the House of Representatives is received and the Joint Session is called to order by Lieutenant Governor, Beverly E. Perdue, President of the Senate.

The President extends privileges of the floor to the Honorable Michael F. Easley, Governor; members of the Council of State; members of the Governor's Cabinet; Mr. Darrell Collins, Historian from the Wright Brothers National Memorial; and Mr. Collins's mother and his wife.

S.J.R. 1027, A JOINT RESOLUTION HONORING THE MEMORY OF ORVILLE AND WILBUR WRIGHT AND ENCOURAGING THE CITIZENS OF THIS STATE TO RECOGNIZE 2003 AS THE AVIATION CENTENNIAL YEAR IN NORTH CAROLINA.

Upon motion of Senator Rand, the joint resolution is placed before the Senate for immediate consideration.

Upon motion of Senator Rand, the joint resolution is read in its entirety and, upon motion of Senator Soles, the remarks of the members, Governor Easley, Mr. Collins and Mr. Jameson are spread upon the Journal, as follows:

Senator Basnight:

“Thank you Madame President. Members of the Senate and guests, I stand today to speak briefly in giving thanks to the descendents of the Wright Brothers and the descendents of the families that witnessed the flight and gave assistance to the two brothers that came from Ohio. I thank you for being here and for coming from places of great distance. Without you, flight would not be recognized today. Without your families, the realization that man could do more than even dream in that era of our

history and our time, for it to occur in North Carolina and in the district that I represent, and that some of it would happen through my family, indirectly so, that my aunt married Adam Etheridge some years ago and it was Adam's father who was there on that day to witness that flight. That part of my family is so important to me, as is each and every part of your family is as well. They've come from long distances today. I know Aunt Milroe and Uncle Adam would be awfully proud. On the Daniels side, much of the Daniels family is here as well. The person who took the picture, John T. Daniels, and his family members are here. Just try to place yourself in the shoes of the photographer on the Outer Banks in 1903 on a windy, cold day and be the person who took that picture, or to be the members of any of the families who are here today, to be a part of that proud moment of history, to be the Tate family that first saw the Wright Brothers when they came ashore to Kitty Hawk and gave them friendship and allowed them to pitch a tent in their yard. North Carolina knows no strangers. It welcomes all guests and these were two very special people. For the North Carolina Senate and the North Carolina House and our Governor and our Lieutenant Governor and our Council of State, to be here today, to recognize that proud moment of history is very special to each and every one of us. So welcome, very special family, guests, and friends."

Governor Easley:

"Lieutenant Governor Perdue, Senator Basnight, Speaker Morgan, Speaker Black, Council of State, Members of the Cabinet, Dare County Commissioners, it is my privilege to introduce to you today Mr. Darrell Collins, a native of North Carolina's Outer Banks who lives in Manteo on Roanoke Island. His family has lived on the Outer Banks for 141 years. His grandmother's parents were members of the Black Freedmen Colony that settled on Roanoke Island during the Civil War. Darrell's mother, Dellerva Collins, and wife, Tanya Collins, are here today and I thank you for being here with us. Darrell is a twenty-five year veteran of the National Park Service, working in the Division of Interpretation and Education and is the historian at the Wright Brothers National Memorial. He ranks as one of the top five historians in the world on the subjects of early aviation and the Wright Brothers first flight. For the last fifteen years, Darrell has been on the Aviation and Aerospace Lecture Circuit. His speaking engagements include the Aero Club of Washington, the National Air Transportation Fiftieth Anniversary, the Aerospace Industries of America Aircraft Owners and Pilots Association. He is a regular speaker at the Speaker's Showcase Series at the Oshkosh Fly-In Convention, the Australian International Air Show Down Under, and for many other aviation/aerospace themed events and organizations. He is the author of numerous articles and serves as consulting editor for playwrights and authors on aviation history and the Wright Brothers first flight. A 1973 graduate of Manteo High School, Darrell Collins holds a B.S. Degree in geology and a minor in history from Elizabeth City State University. So Darrell, I'd ask you to come forward because today I am honored and proud to be able to honor you with the *Order of the Long Leaf Pine* for your outstanding service to the State of North Carolina and I will read part of this and ask you to join with me in part of this. 'Reposing special confidence and the integrity, learning, and zeal of Darrell Collins, I do by these presents confer the *Order of the Long Leaf Pine* with the rank of Ambassador Extraordinary, privilege to enjoy full all rights granted to members of this exalted Order, among which it is a special privilege to propose the following North Carolina Toast in select company anywhere in the free world.' I'll ask you to

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join with me, 'Here's to the land of the long leaf pine, the summer land where the sun doth shine, where the weak grow strong, and the strong grow great, here's to down home, the Old North State.' Congratulations."

Mr. Collins:

"Governor Easley, Secretary Evans, Honorable Senators and Representatives, Council of the State and special guests, addressing you here today is truly the highlight of my career. It is an honor I will cherish and remember for the rest of my life. One hundred years ago we used to say the sky is the limit and now we are reaching for the stars as we come to the end of the first 100 years of powered flight. Reaching for the stars will be the greatest challenge for generations to come. December 17, 2003, it will mark an important milestone in the history of the world – 100 years of powered flight, but it will also mark the end of a great era. The technology born on the Outer Banks of North Carolina shortly after the turn of the 20th Century has allowed mankind to travel from Kitty Hawk to the moon in the lifetime of a human being. As the historian of the Wright Brothers National Memorial it is my duty to preserve the legacy of North Carolina's greatest aviation heritage. For 76 years the Wright Brothers National Memorial has fulfilled the promise of this magnificent aviation's past. So in many ways our partnership is a two-way street and we are all responsible for the preservation of North Carolina's aviation heritage which is a cornerstone of our national heritage. Inspiring the children of today with the wonders of flight will ensure a bright and productive future for the industry in America. I want you to know that at the Wright Brothers National Memorial our staff of volunteers and rangers deliver that inspiration to children every day. So as we stand at the threshold of the 21st Century in preparation for December 17, 2003, the 100th anniversary of the world's first powered flight, I challenge each and every one of you here today to be as active in North Carolina's aviation's past as you plan to be in its future. There are many opportunities to preserve this heritage and to insure that the miracle that occurred at Kitty Hawk will always be an inspiration for the children of tomorrow's world. But, there was a time not so long ago when man could not fly. In a letter to Octave Chanute dated May 13, 1900, Wilbur Wright wrote, 'For some years I have been afflicted with the belief that flight is possible to man. My disease has increased in severity and I feel that it will soon cost me an increased amount of money, if not my life.' On the cold and windy morning of December 17, 1903, the dream came true. Wilbur and Orville Wright made the world's first successful powered flights in the heavier-than-air machine. Five years after this historic event, in Paris, France after Wilbur Wright had taught the Europeans to fly, at a banquet held in his honor on the evening of November 5, 1908, Wilbur Wright spoke these words to the members of the Aero Club of France. 'It is not really necessary to look too far into the future. We've seen enough already to be certain that it will be magnificent.' A prediction much truer for us today than it was in his lifetime. Four years after that speech in Paris at the age of 45 years old, Wilbur Wright would pass to the great beyond. The Wright Brothers began their experiments in Dayton, Ohio in 1899 with a five-foot kite they controlled from the ground. They were testing a system of control they called 'wing warping' but they would soon realize that the weather conditions in Dayton were not suitable for extensive flight or experiments. In that year they wrote the National Weather Bureau in Washington, DC, requesting a list of places on the whole east coast where the

winds were constant. Kitty Hawk, North Carolina was on that list. They wrote a letter to the Kitty Hawk weather station that was established there in 1875. Somehow this letter would end up back in the postman's hands. His name was William Tate. William Tate was the man who brought the Wright Brothers to Kitty Hawk. He wrote them a letter back. In that letter he described that there were no trees or grass, just deep soft sand. There were four giant sand dunes known as Kill Devil Hills to launch gliders off of. That name Kill Devil Hills had been around before the Wright Brothers ever heard of the Outer Banks of North Carolina, but one of the oldest legends states there was a fellow who had a still that was hidden somewhere amongst the hills and the locals said the drink he made was so bad it would kill the devil. That stuck. The only way to get to Kitty Hawk was by sailboat. Not too many people lived there. So at Kitty Hawk the Wright Brothers found privacy, secrecy, isolation, but then they also would find at Kitty Hawk what they couldn't find anywhere else – southern hospitality! That the Wright Brothers would have achieved what they did without southern hospitality, I don't think so. If you ever get a chance to visit the Wright Brothers National Memorial, on display inside the museum we have a symbol of that southern hospitality. It's an 1899 Kenwood sewing machine. It was ordered from a Sears and Roebuck catalog for \$2.00. Addie Tate, William Tate's wife, would let Wilbur Wright use her sewing machine to sew the cloth on the first glider they brought to Kitty Hawk in September of 1900. That first glider they brought to Kitty Hawk in 1900 was covered with imported French sateen and the local ladies who lived on the Outer Banks at that time had never seen such high quality cloth in their lives and they expressed openly to the Wright Brothers why they were wasting this cloth on a flying machine. So when the Brothers finished with the glider they gave that cloth to Addie Tate and with that same sewing machine she made two dresses out of the cloth for her two little daughters. The next year, 1901, when the Wright Brothers returned to Kitty Hawk the little girls were running around in dresses. I have worked at the Wright Brothers National Memorial for almost 25 years. About 18 years ago I did an oral tape history interview with one of the Tate daughters, Pauline Tate Woodard. She was no longer a little girl. She was 93 years old and her mind was as sharp as a tack. She described those dresses to me completely because her mother also taught her and her sister to sew on that same sewing machine. So I finally asked, 'Do you still have the dress?' She said, 'No, honey, we wore them out.' That was the best thing they had. Well, for the next three years the Wright Brothers would experiment at Kitty Hawk with gliders and they would solve two problems of flight in gliders first, lift and control. Control would be the key to human flight. Without control, man would never fly. In the glider of 1902, off the sand dunes there at Kitty Hawk the Wright Brothers developed the control system of modern airplanes. Roll, this motion of airplane in flight, controlled by the ailerons, on the Wright machine the wing warping, pitch, this motion here controlled by the elevator and then we have that good, old Southern word, ya'll. Where y'all from, is controlled by the rudder in the back. You see, before the Wright Brothers came along no one did anything fundamentally right and now, 100 years after the Wright Brothers invented the airplane, no one has done anything fundamentally different. So I think it should be noted at this point in this program as we honor the Wright Brothers 100 years after their first powered flight at Kitty Hawk, that airplanes and gliders are not the only man-made flying machines that utilize roll, pitch and yaw. You see, audience, everything that flies – rockets, missiles, satellites, helicopters, the space shuttle, on take-off and final – you see this is the immortal legacy of the Wright

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Brothers' achievements at Kitty Hawk, North Carolina. The control the Wright Brothers developed in 1902 has withstood the test of time and has proven to be the fundamental principles around which everything has evolved in the past 100 years. So armed with this knowledge, they were ready to build a powered airplane. On the cold and windy morning of December 17, 1903, the Wright Brothers made four successful powered flights. At 10:35 a.m., Orville Wright flew 120 feet in 12 seconds, 12 seconds to the stars. Most of us could walk or run that far in less than 12 seconds. The other day a man clocked his son running that distance in seven seconds. Superboy, he's faster than an airplane. But yet still, that short, first flight was the dawning of a new era in the history of mankind. Life, as many of our fathers knew it, would never be the same again. Little things do go a long way. The fourth and last flight of that day was done by Wilbur Wright. He flew 852 feet. Wilbur stayed in the air for 59 seconds. You think he held his breath the whole time? He never told. But you know on these cold, dark winter evenings when that wind starts to blow real hard outside at Kitty Hawk you hear the local fellows out there hollering, 'Go, Wilbur, go!' At the end of that last flight the machine was left unattended and a gust of wind caught it and completely tore it all apart. The Kitty Hawk Flyer would never fly again. A great American hero once wrote that history is like a mirror. It can only look back. But there is great value in pausing to look back for only with a great appreciation of where we have been can we ever hope to understand where we are heading. That was Mr. Neil Armstrong, 1979. We have inherited a legacy of greatness. The year before Orville Wright died, Chuck Yeager broke the sound barrier in the Bell X-1. We should always remember 1969. Only 66 years after the first flights at Kitty Hawk, Neil Armstrong would be the first man to step foot on the moon. April of 1981, before we celebrate our 80th anniversary, America would have the first flight of the space shuttle, Columbia. All of this has happened in the lifetime of our parents and our grandparents who can all attest to these great achievements because as we all in here today should know, these inventions were conceived by genius, achieved by dauntless resolution and unconquerable faith. That the next 100 years are half as glorious as the past, it will surely be something for our children to behold. Thank you very much."

Senator Rand:

"Thank you very much, Madame President. Ladies and Gentlemen, I don't know that anything I could say would add to the feeling we all have about this from the speech we just heard. That was wonderful, an amazing thing, I think, that brings home so much to all of us about what that day must have been like and the contribution that this has made really to civilization and to mankind, and so thank you so much for bringing that to us today. We are indebted to you for the job you do for the people of North Carolina and you are a wonderful representative of our State and its history. I'll defer to you anytime. But, Madame President, having said that, I would just say this resolution, I think, recounts what this all means to North Carolina, what it means to this Nation, really, and what it means to the world and I would just ask the members to vote in favor of the resolution for there is nothing anymore that I could add."

Mr. Paul Wright Jameson (Great Grandnephew of Orville and Wilbur Wright):

"This is very extemporaneous. I've always enjoyed hearing Mr. Collins's speech. Every time I hear it, it reinvigorates me and makes me feel like going forward. I'd

also like to thank all of the relatives and descendents of the witnesses and I'd like to meet you sometime. Hopefully, if I don't meet you right now, I'd like to meet you all on December 17, 2003, and we will see you all down there. Thank you very much for this great honor of this special commemoration. Thank you very much."

The joint resolution passes its second reading (48-0) and third reading with members standing, and is ordered sent to the House of Representatives by special message.

The President extends privileges of the floor and courtesies of the gallery to descendents of Wilbur and Orville Wright and also to descendents of the witnesses to the first flight: Barbara Jameson Adler, who married a great nephew of Wilbur and Orville Wright, and her son, Paul Wright Jameson, great grandnephew of Wilbur and Orville Wright; Will St. Claire Dough descendents; Adam Dough Etheridge III descendents; and John T. Daniels descendents.

REPORTS OF COMMITTEES

A standing committee report is submitted, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee:**

H.B. 182, A BILL TO BE ENTITLED AN ACT TO NAME THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY, 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 50292, which changes the title to read **H.B. 182** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO NAME THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY, TO ALLOW DUPLIN COUNTY TO USE THE SINGLE-PRIME BIDDING METHOD FOR THE CONSTRUCTION OF DUPLIN COMMONS WITHOUT COMPLYING WITH CERTAIN STATUTORY REQUIREMENTS, AND CONCERNING THE INVESTMENT OF CERTAIN RETIREMENT AND EMPLOYEE BENEFIT FUNDS BY THE CITY OF FAYETTEVILLE, is adopted and engrossed.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 502, AN ACT TO AUTHORIZE A DEPUTY TO GAIN ACCESS TO THE CONTENTS OF A DECEDENT'S SAFE-DEPOSIT BOX.

S.B. 503, AN ACT TO UPDATE THE LAWS RELATING TO THE ATTENDANCE AGES AND ELIGIBILITY OF STUDENTS FOR NORTH CAROLINA SCHOOLS FOR THE DEAF.

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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. 414, AN ACT TO ALLOW ROBESON COUNTY TO DELAY THE REAPPRAISAL OF PROPERTY FOR PROPERTY TAX PURPOSES BY ONE YEAR.

H.B. 626, AN ACT TO ALLOW THE CITY OF GREENSBORO AND THE PIEDMONT TRIAD INTERNATIONAL AIRPORT ADMINISTRATION TO AMEND THE BOUNDARIES OF CERTAIN TERRITORY THAT CANNOT BE ANNEXED BY THE CITY UNDER GENERAL LAW.

H.B. 680, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF GRANITE QUARRY.

H.B. 774, AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWN OF BEAUFORT.

H.J.R. 1329, A JOINT RESOLUTION HONORING THE TOWN OF LILLINGTON ON THE OCCASION OF THE TOWN'S CENTENNIAL AND HONORING THE MEMORY OF GENERAL ALEXANDER LILLINGTON. (Res. 18)

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. 598, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS. (Became law upon ratification, June 16, 2003—S.L. 2003-200.)

The Chair grants a leave of absence for the remainder of today's session to Senator Shaw.

CALENDAR *(continued)*

H.B. 542 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF CASWELL BEACH, OAK ISLAND, OCEAN ISLE BEACH, AND SUNSET BEACH AND THE VILLAGE OF BALD HEAD ISLAND TO EXERCISE THE POWER OF EMINENT DOMAIN FOR THE PURPOSES OF ENGAGING IN BEACH EROSION CONTROL, FLOOD AND HURRICANE PROTECTION WORKS, AND PUBLIC BEACH ACCESS, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Sloan, Smith, Soles,

Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

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.

S.B. 668 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE WINE SHIPPERS PERMITS TO ALLOW THE DIRECT SHIPMENT OF WINES TO RESIDENTS OF NORTH CAROLINA AND TO ESTABLISH A MECHANISM FOR COLLECTING THE TAXES DUE ON WINE SHIPPED TO NORTH CAROLINA, upon second reading.

Senator Metcalf offers Amendment No. 1 which is adopted (47-1).

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow, Wednesday, June 18, upon third reading.

S.J.R. 1023, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDWARD NELSON WARREN, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Upon motion of Senator Moore, the joint resolution is read in its entirety and, upon motion of Senator Foxx, the remarks of the members are spread upon the Journal, as follows:

Senator Moore:

“Thank you, Madame President. Ladies and Gentlemen and special guests in the Senate today, Ed Warren was my mentor, a man I worked with the last twenty years. He would call me on a regular basis. As a teacher, he would help me on certain projects. He was very good to me and I am proud today to say that I would like to present this resolution to you. My father-in-law and he served as County Commissioners together. I’ll never forget the last time he served. My father-in-law served as Mayor of Winterville for fourteen years and County Commissioner for fourteen years and the last time he ran, he had already told me he was not going to run again, but Ed Warren came by and took him to file for office and he paid his filing fee. Again, Ed Warren loved his community, he loved East Carolina University, Pitt Community College and the Hospital. He had many great ideas, he was a great community leader and a statesman. His motto was always helping people. I will always consider it an honor to have known him and I encourage you to support the resolution.”

Senator Albertson:

“Thank you, Madame President, and members of the Senate. I remember very

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well the first time I ever heard about Ed Warren. My band and I had been somewhere up north playing music. Coming back late one night or early one morning we came through Greenville. Of course, I was wide awake sitting opposite the driver and I saw a big sign right in the middle of Greenville. It said 'Ed Warren, Man of the Year' and I had never heard tell of this man and had no idea I would have the privilege and honor of serving in this great body with him. But as I thought about him that night coming on home as we left Greenville, I wondered what it was about this man that set him apart to receive such an honor. Well, I would find out later as you have in the Senate and Senator Moore has already mentioned, I think, the three key words. Now if you ever traveled much around Greenville after he came to the Senate, you would see big signs 'Ed Warren, Always Helping People.' It was those three words and they always stuck in my mind and I think that was the philosophy that Ed had that made him so successful. If you ever called his office it would be his wife as a usual thing who would answer the phone. So Ed and Joan sort of did this thing together of always helping people. Now there are several things in particular that I will always remember about Ed. He pronounced my name unlike anyone else. He didn't say Allbertson, he didn't say Albertson, he said Aberson! He always said it that way. Another thing I remember about Ed is Grace and I were at a legislative function over in Greenville one night and we had occasion to spend the night. Ed came by the table where we were having dinner and we struck up a conversation. He said, 'Charlie, have you ever had breakfast in bed?' I said, 'Are you kidding? Nobody in my family has ever had breakfast in bed.' I said, 'Ed, I must tell you that one time back during the Depression I had a brother who broke his arm eating breakfast.' He said 'What in the world happened?' I said 'He was eating persimmons and fell out of the tree.' That just tickled him to death. He would come by me every once in awhile and say, 'Charlie, I want you to sit down a minute and tell me that joke you told me the other day.' He loved to laugh and have a good time. But, guess what? He asked me what I wanted for breakfast if I were able to have breakfast in bed. I said, 'Well, Ed, I like pancakes and sausage and scrambled eggs and coffee.' He said, 'What time do you try to eat when you're around the house?' and I said about 7 o'clock. But guess what, David. The next morning at 7 o'clock somebody knocked on our hotel door and Ed had sent breakfast for us to have in bed!

"Now he truly loved being a member of this body. It was so dear to Ed to come here and one of the things he missed so much after he did not run again was being present in this building and serving with all of us. I think of all married people that I have ever known, Ed Warren loved his wife as good as anybody I have ever seen. Now you didn't spend much time with Ed that Joan's name would not come up in the conversation. They truly had a romance I believe unlike anything I've ever seen.

"Another thing I will always remember about this man is he really was a great believer. Now, when we had our prayer breakfasts Ed would always on most occasions be present. It was obvious to me the way that he lived that he was a great believer. One thing in particular that I'll always remember that meant a lot to me is when they dedicated the building, Senator Basnight, or was it a room at the Brody Building – I don't remember, you and I were on the program. You spoke first and had to leave but when Ed got up to speak he would always tell me he loved me and I would him, and when he finished making his remarks to the group as he was walking away from the podium he turned around and said, 'Charlie, I will always love you.' and I will never forget that. What a wonderful fellow he was. We all loved him and he loved us. Ed, we know where you are and we believe you're doing well now. I commend this resolution to you."

Senator Kerr:

“It’s kind of hard to follow my friend, Charlie Albertson. I made some notes and I agree Joan and Ed were a team. Ed was smart enough to let Joan handle the money and Ed loved an investment but the thing he loved better than anything, I think, was when we kinda made the University of North Carolina play East Carolina University in football. I happened to be in the room and I think it’s been good for Eastern North Carolina. Ed was proud to be a member of this body, he loved to play golf, he loved his wife, and he always came over here to get his tips on the stock market from these guys here. I don’t know how he did but he was an astute businessman and he was a great friend. Joan and he were so nice to Sandra and me when we first came together with you, Madame President, into the House as a fresh person and I can’t say man or woman, but a fresh person, came all the way and I was kind of bewildered, but Ed was so nice and it was a lot of fun back then. People played golf and didn’t work quite as hard and there was a lot of camaraderie and it’s kind of funny about the delegation from Pitt County. They had three great people over there – they had a guy who is in Congress now, Walter B. Jones III, and they had my seatmate here and they had Ed. I think there was some kind of animosity or jealousy or something because I went as a freshman and went over there to somebody’s fundraiser and when we have a fundraiser in Wayne County everybody comes together and there wasn’t anybody over there at this fundraiser. I remember one time we were playing golf down in Pinehurst and Ed was on a hot streak doing real well and I was against him and I was way behind and I said, ‘Ed, there’s Walter Jones over there in the bush with the editor of the paper and they’re going to take your picture to show that you’re not in Raleigh but you’re down here in the Sandhills on a little junket.’ I don’t think he could even par a hole after that. He loved his family and he loved this institution and when Joan died I think it took a lot out of Ed and Sandra and I had the opportunity to spend about two hours with Ed over at the baseball game in Kinston about three weeks before he died. He invested in that, he invested in everything but he really invested in East Carolina, the people of eastern North Carolina, and he really served his fellowman and we’re all going to miss him. I know they’re up there looking down at us and all we can do is to emulate what he did as service to humanity, his best work of life.”

Senator Purcell:

“Ladies and Gentlemen of the Senate, when I came to the Senate six years ago right in the middle of the session and was obviously quite lost down here, Ed Warren kind of took me under his wing and showed me around and he was a very special person to me then and during the time that we served together in the Senate. It didn’t take long to learn that he was Mr. East Carolina University here and all the things he did for that University are certainly appreciated by all of us.

“We had a group who went out to dinner on Monday night and we still do, but on Monday night in restaurants it gets kind of busy around here sometimes. When things were kind of slow and we were not getting our food or drinks, Ed would always call the waitress over and very seriously say, ‘We’re all waiting to catch an airplane that’s leaving Raleigh-Durham pretty soon.’ And I said, ‘Ed, we’re not catching an airplane.’ He would always say let’s just see what happens and it always worked!

“What a lot of people didn’t realize is that Ed Warren was quite an athlete. Not only did he coach, but he played football when he was in the Air Force. All I can say is at his size he must have been mighty fast or mean. I think he must have been very fast but he was a great guy and meant a lot to me and will always be missed.”

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Senator Gulley:

“I don’t want to stretch this out unduly, but I have to say a word about Ed Warren who was one of the warmest and most wonderful people I’ve had a chance to serve with. I can’t add much to the wonderful comments from folks who spoke before and I remember, Madame President, in my first or second year here you said for a model of how you serve people in your district, look at Ed Warren and you were exactly right about that. I remember so much about him. Few people could make you feel as good about being here and doing what you were doing as Ed Warren. He’d come up to you and say oh, you’re strong, you’re the man. I don’t know if he’d say that to you, Senator Garrou, he’d say you’re the woman. But Ed would just make you feel wonderful about being here. He had within him this love for this Senate and you just felt and knew he was so proud to be here and so proud to serve the folks of his district and helped teach me in small ways what it really was to be a Senator. I miss him a lot and it was wonderful to have a chance to be with him. I appreciate the chance to make a comment on this resolution.”

Senator Rand:

“I want Senator Basnight to tell about when Ed invited him to dinner one night. That’s one of the funniest stories I’ve ever heard. Ed was a great fellow. The last year or so he would call me a lot of times on Sunday night. We would talk about things, what was going on, talk about how much money Senator Hoyle was making, we took a long time to talk about that. But we talked and he was just a great fellow. He was intent on the fact that Carolina and State would play East Carolina in football. He made that come true. That was a great thing for him, a great thing for Eastern North Carolina and, I think, a great thing for our State. It adds a great deal to what we do and we are indebted to Ed for making that happen. He was just a wonderful fellow to serve with as has been said. He loved this institution and was a great member of it and we surely miss him.”

Senator Soles:

“I got to know Ed Warren very well during his years in the legislature and particularly after he moved over to the Senate. He was a gentle man in lots of ways but a very tough competitor and if you don’t think he was tough you get between him and something that was good for Pitt County or particularly East Carolina University, specifically the Medical School, and you would find out he would fight and fight and fight and push and ultimately he would prevail. You would not know it by just being around Ed and looking at him and talking with him much, but Ed was a fairly wealthy man and he found out that I messed with the stock market a little bit and every day of my life he would come by the office over there and I was delighted to see him but he’d want to know how the stock market was doing and, of course, I didn’t have a way to tell him in there, but I’d always tell him it looks like it’s doing good and he would smile and leave, so when it didn’t do good he would think I was telling him something wrong. But he used his monetary assets to help others and you didn’t know it unless you happened to find out about it by error. He helped people in his community; he quietly helped them, he helped that University over there and he went around, as they say, doing good. I’m delighted and pleased that he was my friend and we’re going to miss him.”

Senator Allran:

"I came to the State Legislature the same year that Ed came in 1981 and so we had 22 years of friendship. It's amazing how quickly time goes by here, but he's one person who was always very, very nice to me as was his wife and one of the ways that I got to know them pretty quickly and we had a special bond was that one night we were at a function at the North Raleigh Hilton and it was very fancy with the tables all set up and it seemed very elegant and I had just been elected, was brand new and everybody said I looked like a page and all that stuff which I always got all that about looking like a kid, but what made it really classic was that, it's one thing to look like it and another to really act like a yahoo, so we had this beautiful, elegant table, and he's there and Joan's there and I remember C. R. Edwards was there and his wife, and they had this plate with these round fancy things in them that I thought were mints and so I reached out for one of them and said oh, look at these mints, and it was a big chunk of butter and I put that thing in my mouth and just about spit it out all over the table. From there on out, Joan, particularly, always remembered me and so did Ed and they were always so nice to me. It was kind of like, I don't know what it was, but anyway he just never got over that. I came to the Senate in 1987 and he followed in 1991 and used to always kid me that he had followed me over here. He represented Greenville where my sister, brother-in-law, and family lived and he always told me that he was doing a good job for them. And last, when I come up, I guess, toward the end of all this, I think of the last session when I was on Appropriations General Government with him. Of course, as you remember, this session has been a very pleasant session as I think we all know, it's been quite wonderful, but last session was actually very difficult and not so pleasant and we would have those General Government meetings every morning and everybody who would come in would be, it was the weeping and wailing and the gnashing of teeth and the unhappiness and the tension and everybody complaining about everything and Ed would just sit there and calmly smile, totally never perturbed about anything. He had, I thought, such a quiet, peaceful demeanor about him and he was very conciliatory toward other people and also very encouraging. He was always very encouraging to me over the years and I think when I came over here I was the youngest person in the Senate. In fact, I'm pretty sure I was and when I was in the House I was the youngest person over there. He was a very encouraging person. Like a few other people have said, when I would go down East which I do quite often to go through Lieutenant Governor Perdue's district and down to the coast, I noticed those billboards of always helping people and I thought that is really good and truly appropriate because to me that really embodied the way I thought Ed Warren was. I urge your support of the resolution."

Senator Ballantine:

"Senator Albertson, don't worry that he didn't pronounce your name correctly. He didn't call me Pat or Patrick, he called me 'Buddy.' 'How're you doing, Buddy?' He'd come by my office and it was 35 Democrats and 15 Republicans and he still came by to see how we were going to vote on his bill and I would say, 'Senator Warren, tell me about your bill.' 'Oh, it's a good little bill. It's a good little bill. And I love you Republicans; Republicans love me.' He did that on every bill he had and I believe every bill he had passed unanimously. So he cared about everyone in here and he cared about his district. He was a champion for East Carolina and I urge your support for the resolution."

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Senator Dannelly:

“Ladies and Gentlemen, I served four terms with Ed and my first term at the first reception as a freshman you see all these new faces and it’s hard to put them together with names, so I went to my first reception and a fellow walked up to me and said, ‘How are you Senators, I’m Ed Warren and this is my wife, Joan, and we’re glad to have you with us this year.’ From that moment on I knew Ed Warren. I sat for those four terms where Vernon Malone is sitting now. I’m now sitting in Ed Warren’s seat. I’m not filling his space but I’m sitting in the seat. We used to call Ed around here, The Candy Man. Madame President, you sat on this row and everybody would look to Ed and I don’t know where he kept that candy but he never ran out. Everybody would come by Ed’s desk to get a piece of candy, particularly during those long sessions. Another thing Ed was proud about was he always invited me and all of us, I guess, to his golf tournaments and he’d say ‘Come on down. I had Michael Jordan, well he may be back this year and he brought Charles with him and some others’. But I never got to his golf tournaments since I don’t play golf. I have bad feet and I don’t like to walk that much. I went to Greenville for something and stayed at the Greenville Hilton and Ed found out I was going and when I got there I had the best room I’ve ever had in a Hilton and when I got back to Raleigh I went by to see Ed in his office and said, ‘Ed, I want to know what kind of mattress that was on that king-size bed and I want to know where you got it from. I never slept on a mattress that good ever in a hotel!’ He and his assistant found out where that mattress came from, where they bought it. I contacted the company and I’m sleeping on one now. That’s the kind of person Ed was. He loved, loved, as has been said before, East Carolina University and his whole district. He never got tired of talking about it. The reception we had for him after his retirement up at the Capital City Club, I saw the Chancellor of East Carolina and I told him I’m going to put in a bill to rename the University Ed Warren University at East Carolina, and Ed got a kick out of that and the Chancellor said ‘I wouldn’t have any problem with that.’ Ed was a wonderful servant of the people and I recommend this resolution to you.”

Senator Basnight:

“Ed loved to go out to eat. He always wanted to go out to eat and he would get Wilbur to take us out to eat and Wilbur was as tight as Ed was and always particular about where he went. He never wanted to go to a place that was costly. It was always Western Sizzlin then. We went to Western Sizzlin and Wilbur wanted to order and Ed wanted to be certain that Wilbur was paying for whatever we got. If you’re not going to pay for the potato, let me know before I order it. So Ed watched the buck, as you all know. He was very Scottish from that perspective, but Ed said he wanted to take me out and he kept saying that and so one night I called and told Ed that I would meet him at Cappers at North Hills. So when Ed invited me out to Cappers, I proceeded to invite everybody I saw that day to come out, and I got there 30 minutes early before all of you who came and Ed sat down and said ‘I got this one tonight.’ I said, ‘Are you sure, Ed?’ ‘Yes sir, I got her tonight.’ And you started coming in and if you remember that night after about the forth or fifth person he said ‘Who else is coming?’ Senator Hoyle went out on the sidewalk and invited people in! The bill was \$900 and some. Ed never invited me out again! Senator Hoyle and he got together about stocks and after some conversation Senator Hoyle gave him a tip. Well, the tip went south. And when he got the tip, Ed told me, ‘You know, Senator Hoyle is quite a grand guy. He’s been generous enough to me to tell me

about this stock that's really going to go up.' And he was happy, very happy, because he was making money and it did go up \$1.50 real quickly. Then she hit rock bottom and he told me and I told Senator Hoyle that night. I said, 'Ed's not so happy with you right now.' Ed had told me 'You know, Senator Hoyle is a questionable kind of guy.'

"He did more things for Pitt County and Greenville than anyone I've ever met. He had the fun times, no question about that. I mean there were some great events that he participated in, he organized, and he brought us all to Greenville to tell the name of Greenville and Pitt County and its value to all people. He had a particular event and I was going to that event and Ed would call me every Sunday night and he never missed a Sunday night of calling and he would chat about things that would be coming up in the next week or things that he was interested in. It was always around East Carolina University to make the school and the place wealthier for all its citizens. He was one who would never give up. As you saw him, ever so many times, come forward and fight, Lieutenant Governor Perdue, and he was a man who made eastern North Carolina a much better place in this State. So Ed, we miss all about you, your generosity and your goodness. God bless you."

The joint resolution passes its second reading (48-0) 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 Sherry Warren Clark, Senator Warren's sister; Johnnie Clark, his brother-in-law; Cindy Clayton, his niece; Vera Braswell, his sister-in-law; Reid Braswell, his nephew; and Kathryn Braswell, his niece.

The Honorable Beverly Eaves 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. 826 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CONFIDENTIALITY PROVISIONS OF CHAPTER 122C OF THE GENERAL STATUTES TO PERMIT IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM.

The Senate Committee Substitute bill passes its second reading (48-0) and third reading (47-0) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1023 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW INTERPOLICY STACKING OF UNDERINSURED MOTORIST COVERAGE, TO AMEND THE DEFINITION OF UNDERINSURED HIGHWAY VEHICLE, AND TO CLARIFY THE AMOUNT OF UNDERINSURED LIABILITY COVERAGE AVAILABLE WHEN MULTIPLE PARTIES ARE INJURED IN MOTOR VEHICLE ACCIDENTS.

Senator Soles offers Amendment No. 1 which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

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H.B. 147 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LEFT TURNS ON RED IN CERTAIN SITUATIONS, TO CLARIFY WHEN A PEDESTRIAN HAS THE RIGHT-OF-WAY, AND TO INCREASE THE PENALTY AND DRIVERS LICENSE POINTS ASSESSED FOR FAILING TO YIELD THE RIGHT-OF-WAY TO A PEDESTRIAN, as amended, upon second reading.

Senator Gulley offers Amendment No. 2.

Senator Dalton offers Amendment No. 3 as a Substitute Amendment for Amendment No. 2.

Amendment No. 3 is adopted (26-22), and changes the title to read **H.B. 147** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN A PEDESTRIAN HAS THE RIGHT-OF-WAY, TO INCREASE THE PENALTY AND DRIVERS LICENSE POINTS ASSESSED FOR FAILING TO YIELD THE RIGHT-OF-WAY TO A PEDESTRIAN; AND TO STUDY PEDESTRIAN ACCIDENTS WHERE VEHICLES ARE TURNING RIGHT AT A RED LIGHT.

The amendment is ruled to be material, which constitutes first reading.

The Senate Committee Substitute bill, as amended, is placed on the Calendar for tomorrow, Wednesday, June 18, upon second reading.

S.B. 652 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN AIRPORT AUTHORITIES TO ENTER INTO INSTALLMENT CONTRACTS, TO EXTEND FROM TEN TO FIFTEEN YEARS THE MAXIMUM REPAYMENT PERIOD FOR DAM REPAIR ASSESSMENTS IN THE VILLAGE OF PINEHURST, AND TO ALLOW THE STANLY COUNTY AIRPORT AUTHORITY TO ENTER INTO LONG-TERM LEASES WITH THE UNITED STATES, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Metcalf, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 232 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY TO FUND THE ESTABLISHMENT OF BIKEWAYS AND TRAILS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Kinnaird, the Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 558 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS AND TRANSFERORS OF MOTOR VEHICLES UNAWARE OF PRIOR DAMAGE OR WHEN PRIOR DAMAGE WAS MINOR, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hoyle, the Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 656 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE INNOVATIVE EDUCATION INITIATIVES ACT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dalton, the Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 966 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE INSURERS TO IMPLEMENT SAFEGUARDS FOR THE PROTECTION OF CUSTOMER INFORMATION, PURSUANT TO THE PROVISIONS OF THE GRAMM-LEACH-BLILEY ACT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dalton, the Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 494 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CARRBORO TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY THAT HAVE GATHERINGS OF MORE THAN ONE HUNDRED PEOPLE AND SELL ALCOHOLIC BEVERAGES AND TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR TWELVE MONTHS THE APPROVAL OF SPECIAL USE PERMITS AND SITE PLANS PROPOSED ON SITES RESERVED AS SCHOOL SITES ON THE TOWN'S ADOPTED COMPREHENSIVE LAND-USE PLAN, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, June 18.

S.B. 753 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE QUALIFICATIONS FOR PERSONS NOMINATED AS MAGISTRATES AND TO ESTABLISH A PILOT PROGRAM IN TWELFTH JUDICIAL DISTRICT TO ADDRESS CONFLICTING CHILD CUSTODY ORDERS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, June 18.

H.B. 232 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF MILLS RIVER.

Referred to **Finance Committee**.

WITHDRAWAL FROM CALENDAR

H.B. 147 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LEFT TURNS ON RED IN CERTAIN SITUATIONS, TO CLARIFY

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WHEN A PEDESTRIAN HAS THE RIGHT-OF-WAY, AND TO INCREASE THE PENALTY AND DRIVERS LICENSE POINTS ASSESSED FOR FAILING TO YIELD THE RIGHT-OF-WAY TO A PEDESTRIAN, as amended, placed on the Calendar for tomorrow, June 18.

Upon motion of Senator Rand, the Senate Committee Substitute bill, as amended, is withdrawn from the Calendar for tomorrow, Wednesday, June 18, and placed on today's Calendar for immediate consideration.

The President *Pro Tempore* rules that Amendment No. 3 is not material and places the Senate Committee Substitute bill before the Body for second reading.

Having voted with the majority, Senator Stevens offers a motion that the vote by which Amendment No. 3 was adopted be reconsidered. The President *Pro Tempore* rules that the motion is out-of-order due to a lack of a second to the motion.

Senator Rand calls the previous question on the passage of the bill, seconded by Senator Gulley, which motion prevails (31-16).

The Senate Committee Substitute bill, as amended, passes its second (31-17) and third readings and is ordered engrossed and sent to the House of Representatives.

ADDITIONAL SPONSOR

Senator Smith requests to be added as a sponsor of previously introduced legislation:

S.J.R. 1023, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDWARD NELSON WARREN, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Upon motion of Senator Dannelly, seconded by Senator Hagan, the Senate adjourns at 4:52 P.M. to meet tomorrow, Wednesday, June 18, at 3:00 P.M.

EIGHTY-FIRST DAY

Senate Chamber
Wednesday, June 18, 2003

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:

"The earth is the Lord's and the fullness thereof.

"Those words were on my mind, O God, last Saturday night. I stood at the Cape Fear River Bulkhead in Southport. A steady southwest wind blowing, high tide, with the lights on Bald Head Island and Fort Caswell illuminating in shadow the beauty of those barrier islands.

"As prayer I thought, there is no place better to live out our days than in North Carolina. Thank You for the great blessings of our geography, our people, and today the men and women in this room who have been entrusted to secure that blessing to all future generations. Amen."

The Chair grants a leave of absence for today to Senator Jenkins.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, 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.

The President of the Senate extends courtesies of the floor to Dr. Vicki M. Lanier from Elizabethtown, North Carolina, who is serving the Senate as Doctor of the Day, and to Jennifer Slepik 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. 232, AN ACT TO CLARIFY THE AUTHORITY TO FUND THE ESTABLISHMENT OF BIKEWAYS AND TRAILS.

S.B. 558, AN ACT TO PROTECT CONSUMERS AND TRANSFERORS OF MOTOR VEHICLES UNAWARE OF PRIOR DAMAGE OR WHEN PRIOR DAMAGE WAS MINOR.

S.B. 652, AN ACT TO AUTHORIZE CERTAIN AIRPORT AUTHORITIES TO ENTER INTO INSTALLMENT CONTRACTS, TO EXTEND FROM TEN TO FIFTEEN YEARS THE MAXIMUM REPAYMENT PERIOD FOR DAM REPAIR ASSESSMENTS IN THE VILLAGE OF PINEHURST, AND TO ALLOW THE STANLY COUNTY AIRPORT AUTHORITY TO ENTER INTO LONG-TERM LEASES WITH THE UNITED STATES.

S.B. 656, AN ACT TO ESTABLISH THE INNOVATIVE EDUCATION INITIATIVES ACT.

S.B. 966, AN ACT TO REQUIRE INSURERS TO IMPLEMENT SAFEGUARDS FOR THE PROTECTION OF CUSTOMER INFORMATION, PURSUANT TO THE PROVISIONS OF THE GRAMM-LEACH-BLILEY ACT.

H.B. 562, AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO USE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS DURING A THREE-YEAR PILOT PROGRAM IN DESIGNATED CORRIDORS; TO AUTHORIZE THE CITY OF CHARLOTTE TO ESTABLISH CIVIL PENALTIES FOR SPEED LIMIT AND SCHOOL ZONE SPEED LIMIT VIOLATIONS; AND TO AUTHORIZE THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE SECRETARY OF CRIME CONTROL AND PUBLIC SAFETY TO APPROVE STANDARDS FOR THE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS.

H.B. 656, AN ACT TO AMEND THE TRUST ADMINISTRATION ACT AND

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TO MAKE RELATED CHANGES TO THE LAW GOVERNING ACCOUNTINGS IN TESTAMENTARY TRUSTS.

H.B. 745, AN ACT TO REVISE THE MEMBERSHIP OF THE NORTH CAROLINA INDIAN CULTURAL CENTER BOARD.

H.B. 785, AN ACT TO REWRITE RULE 45 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE.

H.B. 787, AN ACT TO ESTABLISH EQUITY IN REPORTING REQUIREMENTS BETWEEN FEDERAL POLITICAL COMMITTEES AND NORTH CAROLINA POLITICAL COMMITTEES.

H.B. 801, AN ACT TO MODIFY THE STATE COMPETENCY TESTING PROGRAM TO ENSURE THAT HIGH SCHOOL STUDENTS WHO DO NOT PASS THE COMPETENCY TEST ARE GIVEN AN OPPORTUNITY TO TAKE AN ALTERNATIVE TEST.

H.B. 824, AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT ENCROACHMENT ON ITS RIGHTS-OF-WAY FOR THE CONSTRUCTION OF PRIVATE BRIDGES.

H.B. 1221, AN ACT REQUIRING THE RETURN OF OVERPAYMENTS OF STATE FUNDS BY PERSONS IN STATE-SUPPORTED POSITIONS.

The Enrolling Clerk reports the following resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 1023, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDWARD NELSON WARREN, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 19)

S.J.R. 1027, A JOINT RESOLUTION HONORING THE MEMORY OF ORVILLE AND WILBUR WRIGHT AND ENCOURAGING THE CITIZENS OF THIS STATE TO RECOGNIZE 2003 AS THE AVIATION CENTENNIAL YEAR IN NORTH CAROLINA. (Res. 20)

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. 414, AN ACT TO ALLOW ROBESON COUNTY TO DELAY THE REAPPRAISAL OF PROPERTY FOR PROPERTY TAX PURPOSES BY ONE YEAR. (Became law upon ratification, June 17, 2003—S.L. 2003-201.)

H.B. 626, AN ACT TO ALLOW THE CITY OF GREENSBORO AND THE PIEDMONT TRIAD INTERNATIONAL AIRPORT ADMINISTRATION TO AMEND THE BOUNDARIES OF CERTAIN TERRITORY THAT CANNOT BE

ANNEXED BY THE CITY UNDER GENERAL LAW. (Became law upon ratification, June 17, 2003–S.L. 2003-202.)

H.B. 680, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF GRANITE QUARRY. (Became law upon ratification, June 17, 2003–S.L. 2003-203.)

H.B. 774, AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWN OF BEAUFORT. (Became law upon ratification, June 17, 2003–S.L. 2003-204.)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 753 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE QUALIFICATIONS FOR PERSONS NOMINATED AS MAGISTRATES AND TO ESTABLISH A PILOT PROGRAM IN TWELFTH JUDICIAL DISTRICT TO ADDRESS CONFLICTING CHILD CUSTODY ORDERS.

Upon motion of Senator Rand, the House Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Judiciary I 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 Clodfelter for the **Judiciary I Committee**:

H.B. 394 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING THE LAW PERTAINING TO LEGAL DEADLINES FALLING ON A HOLIDAY, 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 80335, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

H.B. 1213 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE DEFERRED DEPOSIT TRANSACTIONS AND TO PROVIDE ADDITIONAL CONSUMER DISCLOSURES AND PROTECTIONS, 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 45163, is adopted and engrossed.

H.B. 339 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CONFORM NORTH CAROLINA'S THIRD PARTY ADMINISTRATOR

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ARTICLE TO REVISIONS TO THE NAIC MODEL THIRD PARTY ADMINISTRATOR STATUTE; REQUIRE GROUP ANNUITY INSURERS TO ISSUE INDIVIDUAL CERTIFICATES OF COVERAGE TO EACH ANNUITANT; REORGANIZE ARTICLE 60 OF CHAPTER 58 OF THE GENERAL STATUTES AND AMEND CURRENT DISCLOSURE REQUIREMENTS FOR SOLICITATION OF LIFE INSURANCE PRODUCTS AND ANNUITIES; REQUIRE INSURERS TO NOTIFY EMPLOYEES OF THE EXISTENCE OF EMPLOYER-OWNED LIFE INSURANCE POLICIES WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF COVERAGE; REQUIRE THAT ASSOCIATION PREMIUM RATES FOR ACCIDENT AND HEALTH INSURANCE BE ACTUARIALLY SOUND AND THAT ASSOCIATIONS BE RATED AS A SINGLE GROUP WHEN THE COVERAGE PROVIDED IS NOT EMPLOYER-BASED; LIMIT AN INDIVIDUAL ACCIDENT AND HEALTH INSURER'S USE OF AN INDIVIDUAL'S OWN CLAIMS' EXPERIENCE TO DEVELOP THE INDIVIDUAL'S RENEWAL RATE; EXEMPT A SOLE PROPRIETOR FROM THE FULL-TIME BASIS OR THIRTY-HOUR WORKWEEK REQUIREMENTS TO BE ELIGIBLE FOR LARGE GROUP HEALTH COVERAGE LIKE THE PROPRIETOR'S FULL-TIME EMPLOYEES; CORRECT AN INADVERTENT CROSS-REFERENCE IN ORDER TO REAPPLY NEWBORN COVERAGE TO A MORE COMPREHENSIVE GROUP OF INSURERS; TECHNICALLY CORRECT AN OMISSION REGARDING PROVISIONS GOVERNING PREEXISTING CONDITIONS FOR LIMITED HEALTH, SUPPLEMENTAL HEALTH, AND SPECIFIED DISEASE POLICIES; DECREASE THE TOTAL NUMBER OF MEMBERS THAT SERVE ON THE SMALL EMPLOYER REINSURANCE POOL BOARD FROM NINE TO SIX; ALLOW PERSONS RETROACTIVELY ENROLLED IN MEDICARE PART B THE SAME SIX-MONTH OPEN ENROLLMENT PERIOD FOR MEDICARE SUPPLEMENT PLANS AS PERSONS WHO ENROLLED IN MEDICARE PART B WITHOUT A RETROACTIVE EFFECTIVE DATE OF COVERAGE; TECHNICALLY CORRECT THE REVOCATION AND SUSPENSION LAW TO INCLUDE A BENEFICIARY OF A LIFE OR ANNUITY CONTRACT AS A CLAIMANT; MANDATE HEALTH BENEFIT COVERAGE FOR DESIGNATED TRAVEL EXPENSES WHEN THE REQUIRED DISTANCE TRAVELED THRESHOLD IS MET; TO REQUIRE RATE METHODOLOGY UNDER MEDICARE SUPPLEMENTAL INSURANCE POLICIES TO BE BASED ON ISSUE AGE AND TO MAKE OTHER CHANGES TO THE LAW PERTAINING TO MEDICARE SUPPLEMENTAL INSURANCE POLICIES; AND MAKE TECHNICAL CORRECTIONS TO THE CREDIT INSURANCE LAWS, 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 30386, which changes the title to read **H.B. 339** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM NORTH CAROLINA'S THIRD PARTY ADMINISTRATOR ARTICLE TO REVISIONS TO THE NAIC MODEL THIRD PARTY ADMINISTRATOR STATUTE; REQUIRE GROUP ANNUITY INSURERS TO ISSUE INDIVIDUAL CERTIFICATES OF COVERAGE TO EACH ANNUITANT; REORGANIZE ARTICLE 60 OF CHAPTER 58 OF THE GENERAL STATUTES AND AMEND CURRENT DISCLOSURE REQUIREMENTS FOR SOLICITATION OF LIFE INSURANCE PRODUCTS

AND ANNUITIES; REQUIRE INSURERS TO NOTIFY EMPLOYEES OF THE EXISTENCE OF EMPLOYER-OWNED LIFE INSURANCE POLICIES WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF COVERAGE; REQUIRE THAT ASSOCIATION PREMIUM RATES FOR ACCIDENT AND HEALTH INSURANCE BE ACTUARIALLY SOUND AND THAT ASSOCIATIONS BE RATED AS A SINGLE GROUP WHEN THE COVERAGE PROVIDED IS NOT EMPLOYER-BASED; LIMIT AN INDIVIDUAL ACCIDENT AND HEALTH INSURER'S USE OF AN INDIVIDUAL'S OWN CLAIMS' EXPERIENCE TO DEVELOP THE INDIVIDUAL'S RENEWAL RATE; EXEMPT A SOLE PROPRIETOR FROM THE FULL-TIME BASIS OR THIRTY-HOUR WORKWEEK REQUIREMENTS TO BE ELIGIBLE FOR LARGE GROUP HEALTH COVERAGE LIKE THE PROPRIETOR'S FULL-TIME EMPLOYEES; CORRECT AN INADVERTENT CROSS-REFERENCE IN ORDER TO REAPPLY NEWBORN COVERAGE TO A MORE COMPREHENSIVE GROUP OF INSURERS; TECHNICALLY CORRECT AN OMISSION REGARDING PROVISIONS GOVERNING PREEXISTING CONDITIONS FOR LIMITED HEALTH, SUPPLEMENTAL HEALTH, AND SPECIFIED DISEASE POLICIES; DECREASE THE TOTAL NUMBER OF MEMBERS THAT SERVE ON THE SMALL EMPLOYER REINSURANCE POOL BOARD FROM NINE TO SIX; ALLOW PERSONS RETROACTIVELY ENROLLED IN MEDICARE PART B THE SAME SIX-MONTH OPEN ENROLLMENT PERIOD FOR MEDICARE SUPPLEMENT PLANS AS PERSONS WHO ENROLLED IN MEDICARE PART B WITHOUT A RETROACTIVE EFFECTIVE DATE OF COVERAGE; TECHNICALLY CORRECT THE REVOCATION AND SUSPENSION LAW TO INCLUDE A BENEFICIARY OF A LIFE OR ANNUITY CONTRACT AS A CLAIMANT; MANDATE HEALTH BENEFIT COVERAGE FOR DESIGNATED TRAVEL EXPENSES WHEN THE REQUIRED DISTANCE TRAVELED THRESHOLD IS MET; AND MAKE TECHNICAL CORRECTIONS TO THE CREDIT INSURANCE LAWS, is adopted and engrossed.

H.B. 994 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE STATE, COUNTIES, AND CITIES TO CONSTRUCT PREENGINEERED STRUCTURES WITHOUT HAVING THE PLANS AND SPECIFICATIONS FOR THE STRUCTURES REVIEWED BY A REGISTERED ARCHITECT OR ENGINEER, 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, 50291, which changes the title to read **H.B. 994** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ALLOWING THE STATE, COUNTIES, AND CITIES TO CONSTRUCT PRE-ENGINEERED STRUCTURES WITHOUT HAVING THE PLANS AND SPECIFICATIONS FOR THE STRUCTURES REVIEWED BY A REGISTERED ARCHITECT OR ENGINEER, is adopted and engrossed.

CONFERENCE REPORT

Senator Dalton, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 775** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

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CONDITIONALLY REQUIRE INSURERS TO PROVIDE INFORMATION REGARDING POLICY LIMITS PRIOR TO LITIGATION WHEN REQUESTED IN WRITING BY THE PERSONS WHO HAVE CLAIMS, OTHER THAN MEDICAL MALPRACTICE CLAIMS, SUBJECT TO NONFLEET PRIVATE PASSENGER AUTOMOBILE INSURANCE POLICIES AND TO GIVE THESE INSURERS THE OPTION OF INITIATING PRELITIGATION MEDIATION OF THE CLAIMS, 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 775, A BILL TO BE ENTITLED AN ACT TO CONDITIONALLY REQUIRE INSURERS TO PROVIDE INFORMATION REGARDING POLICY LIMITS PRIOR TO LITIGATION WHEN REQUESTED IN WRITING BY THE PERSONS WHO HAVE CLAIMS, OTHER THAN MEDICAL MALPRACTICE CLAIMS, SUBJECT TO NONFLEET PRIVATE PASSENGER AUTOMOBILE INSURANCE POLICIES AND TO GIVE THESE INSURERS THE OPTION OF INITIATING PRELITIGATION MEDIATION OF THE CLAIMS, House Committee Substitute Favorable 5/28/03, Fourth Edition Engrossed 6/2/03, submit the following report:

The House and Senate agree to the following amendment to the House Committee Substitute, Adopted 5/28/03, Fourth Edition Engrossed 6/2/03, and the Senate concurs in the House Committee Substitute, as amended:

Page 2, lines 9 through 10 are rewritten to read:

"subsection (a) of this section, the insurer shall provide the policy limits."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 12, 2003.

Conferees for the Senate

Conferees for the
House of Representatives

S/Walter Dalton, Chair
S/Fletcher Hartsell
S/Scott Thomas

S/Hugh Holliman, Chair
S/Mitchell Setzer
S/William Wainwright

The Conference Report is placed on the Calendar for tomorrow, Thursday, June 19, for adoption.

REPORTS OF COMMITTEES

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 1112, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATED TO SANITATION OF FOOD AND LODGING FACILITIES, 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 30384, which changes the title to read **H.B. 1112** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS RELATED TO THE ENVIRONMENT AND ENVIRONMENTAL HEALTH TO (1) REMOVE OUTDATED LANGUAGE RELATED TO SANITATION OF FOOD AND LODGING FACILITIES, (2) TO CLARIFY WHAT CONSTITUTES A BASE OF OPERATIONS FOR MOBILE FOOD UNITS AND PUSHCARTS, AND (3) TO CLARIFY THE FREEBOARD REQUIREMENTS APPLICABLE TO LAGOONS THAT ARE COMPONENTS OF ANIMAL WASTE MANAGEMENT SYSTEMS, is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

H.B. 685, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF SUNSET HARBOR, with a favorable report.

CALENDAR *(continued)*

H.B. 1194 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE "E-NC" AUTHORITY TO CONTINUE THE WORK OF THE RURAL INTERNET ACCESS AUTHORITY.

Upon motion of Senator Reeves, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Information Technology Committee**.

H.B. 697 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF TROY AND ITS REDEVELOPMENT COMMISSION TO ACQUIRE PROPERTY WITHIN A REDEVELOPMENT AREA USING THE "QUICK TAKE" PROCEDURE.

Upon motion of Senator Purcell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 24, upon second reading.

Upon motion of Senator Hoyle, the President extends the courtesies of the gallery to Courtney Jordan, winner of the "Proudest Kid in Gaston County" essay contest, and her parents Mr. and Mrs. David Jordan.

H.B. 182 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO NAME THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY, TO ALLOW DUPLIN COUNTY TO USE THE SINGLE-PRIME BIDDING METHOD FOR THE CONSTRUCTION OF DUPLIN COMMONS WITHOUT COMPLYING WITH CERTAIN STATUTORY REQUIREMENTS, AND CONCERNING THE INVESTMENT OF CERTAIN RETIREMENT AND EMPLOYEE BENEFIT FUNDS BY THE CITY OF FAYETTEVILLE.

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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. 494 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CARRBORO TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY THAT HAVE GATHERINGS OF MORE THAN ONE HUNDRED PEOPLE AND SELL ALCOHOLIC BEVERAGES AND TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR TWELVE MONTHS THE APPROVAL OF SPECIAL USE PERMITS AND SITE PLANS PROPOSED ON SITES RESERVED AS SCHOOL SITES ON THE TOWN'S ADOPTED COMPREHENSIVE LAND-USE PLAN, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Kinnaird, the Senate concurs in the House Committee Substitute bill (47-1) and the measure is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 18, 2003

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 775 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONDITIONALLY REQUIRE INSURERS TO PROVIDE INFORMATION REGARDING POLICY LIMITS PRIOR TO LITIGATION WHEN REQUESTED IN WRITING BY THE PERSONS WHO HAVE CLAIMS, OTHER THAN MEDICAL MALPRACTICE CLAIMS, SUBJECT TO NONFLEET PRIVATE PASSENGER AUTOMOBILE INSURANCE POLICIES AND TO GIVE THESE INSURERS THE OPTION OF INITIATING PRELITIGATION MEDIATION OF THE CLAIMS.

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

House of Representatives
June 17, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for HB 986, A

BILL TO BE ENTITLED AN ACT TO REQUIRE A MOTOR VEHICLE INSURER TO DISCLOSE ANY FINANCIAL INTEREST IN A RECOMMENDED REPAIR FACILITY OR SERVICE, and requests conferees.

Speaker Black has appointed:

Representative Lucas, Chair
Representative Cole
Representative Sutton
Representative LaRoque
Representative K. Williams, and
Representative Ray

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 57 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF CAROLINA BEACH, WRIGHTSVILLE BEACH, AND YADKINVILLE TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES, 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, June 19.

S.B. 117 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO NAME THE WESTERN JUSTICE ACADEMY IN HONOR OF REPRESENTATIVE LARRY T. JUSTUS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 19.

S.B. 423 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND ENHANCE CHILD SUPPORT ENFORCEMENT LAWS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 19.

S.B. 773 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COMMUNITY COLLEGES TO ENTER INTO PUBLIC/PRIVATE PARTNERSHIPS FOR CONSTRUCTION PROJECTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 19.

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S.B. 786 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN THE PROPERTY OF A RESIDENT OF A STATE INSTITUTION UNDER THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IS LOST, DESTROYED, OR OTHERWISE DAMAGED THROUGH NEGLIGENT HANDLING BY THE INSTITUTION, THE INSTITUTION MAY MAKE DIRECT PAYMENT OR PROVIDE REPLACEMENT OF THE ITEM TO THE RESIDENT WITHOUT RECOURSE TO THE TORT CLAIMS PROCESS IF THE AMOUNT OF DAMAGES IS LESS THAN FIVE HUNDRED DOLLARS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 19.

S.B. 847 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY LATE FEES CHARGED TO RESIDENTIAL TENANTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 19.

S.B. 926 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LICENSING PROCESS FOR NEW GROUP HOME FACILITIES AND FOR THE REIMBURSEMENT OF EDUCATIONAL COSTS BY THE HOME COUNTY TO THE HOST COUNTY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 19.

H.B. 1028 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES TO ESTABLISH A GENERAL PERMIT FOR THE CONSTRUCTION OF RIPRAP SILLS FOR WETLAND ENHANCEMENT AND SHORELINE PROTECTION IN ESTUARINE AND PUBLIC TRUST WATERS.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance 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**:

H.B. 163 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF KINGS MOUNTAIN TO ANNEX CERTAIN PROPERTIES OWNED BY THE TOWN, with a favorable report.

H.B. 232 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF MILLS RIVER, with a favorable report.

H.B. 511, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN TOWN-OWNED PROPERTIES OF THE TOWN OF ANDREWS FROM THE CEILING ON VOLUNTARY SATELLITE ANNEXATIONS, with a favorable report.

H.B. 684 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE A STATUTORY FRAMEWORK FOR THE FINANCING OF CAPITAL FACILITIES BY THE STATE AND TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE THE CONSTRUCTION OF A NEW PSYCHIATRIC HOSPITAL TO BE LOCATED IN BUTNER, with a favorable report.

H.B. 725 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CITY OF CLAREMONT AND THE CITY OF CONOVER AND ANNEXING CERTAIN DESCRIBED PROPERTY TO THE CITY OF CLAREMONT, with a favorable report.

H.B. 705, A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE TOWN OF MATTHEWS ALL THE TERRITORY REMAINING IN ITS SPHERE OF INFLUENCE, 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 30387, which changes the title to read **H.B. 705** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE TOWN OF MATTHEWS ALL THE TERRITORY REMAINING IN ITS SPHERE OF INFLUENCE AND TO ANNEX CERTAIN PROPERTIES INTO THE TOWN OF WAXHAW, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 668 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE WINE SHIPPERS PERMITS TO ALLOW THE DIRECT SHIPMENT OF WINES TO RESIDENTS OF NORTH CAROLINA AND TO ESTABLISH A MECHANISM FOR COLLECTING THE TAXES DUE ON WINE SHIPPED TO NORTH CAROLINA, 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, Apodaca, Ballantine, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

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H.B. 425 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENT THAT SMALL HORSE TRAILERS DESIGNED TO CARRY FOUR OR FEWER HORSES MUST STOP AT PERMANENT WEIGH STATIONS.

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.J.R. 606 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CLARENCE LIGHTNER, PROMINENT CIVIC LEADER, POLITICIAN, AND BUSINESSMAN.

Upon motion of Senator Malone, the joint resolution is read in its entirety and, upon motion of Senator Foxx, the remarks of the members are spread upon the Journal, as follows:

Senator Malone:

"Thank you, Madame President, and ladies and gentlemen of the Senate. The resolution just read to you outlines an accurate litany of the life and services of Clarence Lightner. What it does not do is speak specifically to Clarence Lightner the man. Clarence Lightner loved life as well as any human being I have ever known. He loved people. He could do things with a crowd of folks that most of us couldn't do. I used to kid him, that he and Governor Hunt must have gone to the same school because, Lord, they knew how to work a crowd. It's safe to say that Clarence Lightner grew up privileged. He grew up in southeast Raleigh and was really born into a privileged family. The family never forgot those who were destitute and poor. He used to tell me the stories of how he and his brothers and father before him would take people to agencies here in the City of Raleigh and in the state government seeking help, the kind of help that they were deserving of and was supposed to come to them, and how depressed he would leave those meetings sometimes with the notion that those who were serving such people as he took really didn't want to be bothered with them. That was agitating to him and he really, really was depressed and tried to figure out how best to change that. Education was high on his list. Clarence Lightner knew that the only way out of poverty and destitution was to either be educated or have a marketable skill. He believed strongly in that. I can recall the days when we here in Wake County sought to do something that no other city, no other school system in the State of North Carolina sought to do, and that was to integrate and to merge the school system at the same time. For those of you all who haven't gone through that, you deserve to have that opportunity. I happened to have been in a rather responsible position at that time and the people who stood firmly behind and were my strongest supporters and advisors were Clarence Lightner and the late Ralph Campbell, Sr., whom some of you may have known. He adamantly believed, and this was several years ago, that the only way we could have a strong education system in Wake County was to bring them together and to pool our resources so that every child would have an opportunity to get a strong education. If you believe in test scores, I think we are beginning to show some of that here in Wake County. He loved North Carolina Central University. He was a graduate of that school as the resolution indicates. He loved all of the predominately black institutions in the University System. One thing that he advised me on, I followed him on the Board of Trustees at North Carolina State University, and occasionally he and I would get together and

share stories and he would give me advice, which I took some and left some. One of the things that he told me was, he said, 'You're going to find yourself in a circumstance one of these days when you're going to have to make a decision between the institution on whose Board of Trustees you sit and the welfare of some of the predominately black institutions.' I hadn't been here two months before I ran squarely into that circumstance. I don't apologize at all, as he did not apologize, for believing that somebody has to be a voice for those seven institutions that we love so well. Clarence Lightner had a repertoire of amusing stories that would just blow you away. I can't tell you some of them, because absolutely you wouldn't want to be, I suspect the President would gavel me down if I were to tell some of the things that he told. He served, as you know, on many boards and commissions. While he was Mayor of the City of Raleigh, the situation about turning Fayetteville Street into a mall was high on the agenda, as was the building of the now Civic Center. I think it's interesting that some thirty years later, we are back to that issue again as we reflect on the life of Mayor Lightner. Clarence Lightner was a diplomat and a gentleman, but what you would not want to do is to confuse his gentle spirit with weakness. You press on him a little bit and you'd find out very quickly he was not a weakling in any sense of the word. He had the capacity to walk into meetings, and I've been in several of those with him, and things would be going awry and just his presence or his calm demeanor would bring things right back in line. An unusual personality in every sense of the word. I grew up in a Baptist Church, a black Baptist Church and Senator Holloman would recognize some of this. Clarence Lightner was a Presbyterian. In my church they used to sing a song, I guess they still do, I confess I don't go to church as much as I used to and should, and it said something to the effect of, 'If I can help somebody as I go through life then my living will have not been in vain.' Clarence Lightner's life was not lived in vain. He truly helped a lot of people as he traveled through life. One year ago next month, we lost a statesman, a diplomat, and a friend. Madame Chair, at the appropriate time I believe you will recognize those members of the Lightner family who are in attendance today. I hope you will join me in supporting this resolution. Thank you."

Senator Reeves:

"Madame Chairman, I rise to support this resolution. Senator Malone, I appreciate your bringing it forward. I didn't know the Mayor as long as you did and in the various circles you did, but one of the first times that I really got a chance to deal with him or to work with him, he was trying to solve a problem that I had. He reached out to me. In 1996 when I was running to serve in this Chamber, my opponent had put out in the paper and across southeast Raleigh that I was doing things in a racist way and it was a very strange thing to have thrown at you in the context of the campaign. I had a lot of people in southeast Raleigh that I was trying to get to know for the first time. The district encompassed all of southeast Raleigh at the time and so you can imagine how, as I was walking up and down a lot of these streets and these people saying, 'Well, I heard you were a racist guy.' The Mayor called me over to the funeral home, you know where that is. I went in and I didn't really know what to expect. I was sort of in a firestorm and he looked at me and he said, 'Eric, you've got yourself a problem and I've got to help you get past this.' So he started, he created the strategy to help out. He helped us smooth the way, as did Congressman Ballance, who's here now. I think Congressman Ballance had been called by Mayor Lightner to help solve this thing. So, I learned a lot about the Mayor

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at that time, and I'll never forget it. It meant a lot to me. Of course, I miss his influence right now but he sure was on in a lot of efforts he has created over time. I'm glad to support this resolution."

Senator Rand:

"Madame President, ladies and gentlemen of the Senate, having grown up in Wake County my father and Clarence Lightner were friends and he became a friend to me. He was a person of great joy. I always enjoyed seeing him, always enjoyed listening to him. It was always a treat to be in his presence. One of the great funny stories I remember, I believe it was 1963, he ran, I think, for the County Commissioner position here in Wake County. There was a meeting I attended, it was a candidates forum and there was a fellow here who was running and was talking about how long his family had lived in Wake County and his family had moved to Wake County in 1804, or something. I don't remember the year, but way back yonder. When Clarence's turn came to speak, he said, 'Well, the only thing I'll tell you about that is if mister so-and-so's family came here in 1804, it was probably my family that moved him up here.' That was the kind of person he was, a person of great wit, a person of great intelligence, a person who loved life, as Senator Malone said, as much as anybody I ever saw. He was a wonderful human being, a great asset certainly to Wake County and to Raleigh, and really to the whole State of North Carolina because his spirit and his soul were such that anybody who came into contact with him went away a better person. Thank you."

Senator Soles:

"Ladies and gentlemen of the Senate, we are debating a resolution that says 'A resolution honoring the life and memory of Clarence Lightner, a prominent civic leader, politician, and businessman.' All of that is correct, but I would say to you we need to add another word to say statesman. He led and was a statesman in Raleigh and in local government for years. When he arrived here in the Senate in 1977, which was my first term in the Senate, he sat right over there. He came almost with star quality. We had known of him as the Mayor of Raleigh and the many things he had done here and when he arrived all of us were very anxious to get to know him and go over and talk to him and really talk with him about the things he had done. He had a wonderful family history, he had a wonderful business and political history, and he served this State well. He was a man that dressed immaculately every day. He had what seemed to me a brand new suit, a fresh shirt, every hair in place, but he knew where he was going and he knew where he had been and he helped all of us along in his own way. It was my honor to serve with him."

Senator Dannelly:

"Thank you, Madame President. Ladies and gentlemen of the Senate, I've known Clarence for many years, not quite in the civic capacity that Senator Malone has known him, but it didn't take long to find out what Clarence was all about. He was about doing the right thing for people. It didn't take long to realize that he loved his family dearly and he always put them first. My association with Clarence was more fraternal, so you know what I'm going to say. He was an Omega man. He belonged to Omega Psi Phi Fraternity, my fraternity. One thing Senator Malone would not say, he did say that Clarence loved life, well he loved all, all women. Whenever he would see a lady he would smile and say, 'Hi darling.' I don't know if he ever knew their

names or not, but they were always 'darling' to him. He was a pleasure to be around and I know only one person that can equal Clarence in telling jokes, and that's Senator Charlie Albertson. Clarence would make you get a stomach ache with some of his jokes, though they tell different types of jokes. Clarence was a good man. I may say to you that he was more or less the author of the Omega Life Membership Organization and he's one of the main reasons I'm a member of the Life Membership group. Clarence, I understand, was in the process of getting things together here, in Raleigh, so that he could travel to Charlotte on either July eighth or ninth to our National Conclave, where he always played a leading role in whatever happened. The Omega Life Member Leadership always come in early and have early meetings to prepare for the other life members who were coming to the organization. Clarence will be missed dearly, but like Raleigh and in Omega his service and the remembrance of his service will never, never leave us."

The joint resolution passes its second reading (49-0) and third reading with members standing, and is ordered enrolled.

Upon motion of Senator Malone, the President extends the courtesies of the gallery to Claire Lightner Sharpe, daughter of Mr. Clarence Lightner, and Lance Lightner, grandson of Mr. Clarence Lightner.

H.B. 692 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LICENSED AUCTIONEERS CONDUCTING AUCTIONS FOR MOTOR VEHICLE DEALERS DO NOT NEED MOTOR VEHICLE DEALER LICENSES.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 944 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN NOTIFICATIONS BEFORE A TOWER MAY COLLECT CERTAIN CHARGES.

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. 1070 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXPENDITURE BENCHMARK FOR A SPECIAL RESPONSIBILITY CONSTITUENT INSTITUTION FOR CERTAIN PURCHASING CONTRACTS.

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. 283 (Conference Report), A BILL TO BE ENTITLED AN ACT TO REQUIRE REAL PROPERTY WARRANTY COMPANIES TO CARRY CONTRACTUAL LIABILITY POLICIES; ESTABLISH GREATER UNIFORMITY AND FLEXIBILITY FOR REQUIREMENTS IMPOSED UPON SERVICE AGREEMENT COMPANIES AND PERSONS THAT ISSUE WARRANTIES UNDER ARTICLE 1 OF CHAPTER 58; EXPAND THE

DEFINITION OF HOME APPLIANCE WITHIN THE HOME APPLIANCE SERVICE AGREEMENT COMPANIES STATUTE; ENHANCE ENFORCEMENT OF ARTICLE 1 OF CHAPTER 58; REQUIRE MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES TO USE A SPECIFIC FORMAT ON ALL WRITTEN MATERIALS SUBMITTED; MANDATE ALL REQUIRED INSURER SUBMISSIONS TO THE DEPARTMENT OF INSURANCE TO BE IN A SPECIFIC FORMAT IF IN WRITING; DEFINE MECHANICAL BREAKDOWN SERVICE AGREEMENTS AND REQUIRE ALL MECHANICAL BREAKDOWN SERVICE AGREEMENT COMPANIES TO COMPLY WITH ARTICLE 1 OF CHAPTER 58 OF THE GENERAL STATUTES AND WITH THE RULES REGARDING MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES; PROVIDE THAT A BAD CHECK CONSTITUTES GROUNDS FOR TERMINATION OF A MOTOR VEHICLE LIABILITY INSURANCE POLICY; AND AUTHORIZE THE ISSUANCE OF LIMITED LICENSES FOR THE SALE OF INSURANCE COVERAGE ON PERSONAL PROPERTY STORED IN SELF-SERVICE STORAGE UNITS.

Upon motion of Senator Soles, the Senate adopts the Conference Report (49-0).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives
June 18, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for HB 152, A BILL TO BE ENTITLED AN ACT TO REQUIRE CHILD CARE FACILITIES TO DEVELOP AND MAINTAIN A SAFE SLEEP POLICY THAT INCLUDES REQUIRING CAREGIVERS TO PLACE CHILDREN ON THEIR BACK TO SLEEP TO REDUCE THE RISK OF SUDDEN INFANT DEATH SYNDROME (SIDS), AND TO REQUIRE CERTAIN AGENCIES AND THE MEDICAL COMMUNITY TO COOPERATE IN INVESTIGATING REPORTS OF CHILD ABUSE AND NEGLECT IN CHILD CARE FACILITIES, and requests conferees.

Speaker Morgan has appointed:

Representative Alexander, Chair
Representative Hunter
Representative Weiss
Representative Barnhart
Representative Rayfield, and
Representative Preston

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
June 18, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for HB 963, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PERSONS CONVICTED OF LEAVING THE SCENE OF AN ACCIDENT INVOLVING INJURY OR DEATH MAY LOSE THEIR LICENSE FOR A PERIOD OF TWO YEARS, and requests conferees.

Speaker Morgan has appointed:

Representative Warner, Chair
Representative McAllister
Representative Haire
Representative Stiller
Representative Kiser, and
Representative Sherrill

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise Weeks
Principal Clerk

The Senate recesses at 4:34 P.M. to reconvene at 5:15 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:

June 18, 2003

By Senator Dalton for the **Appropriations/Base Budget Committee**:

H.B. 21 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND TO AUTHORIZE THE USE OF HIGHWAY TRUST FUND FUNDS TO MATCH FEDERAL-AID HIGHWAY FUNDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, 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 60378, which changes the title to read **H.B. 21** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND TO AUTHORIZE THE USE OF HIGHWAY TRUST FUND FUNDS TO MATCH FEDERAL-AID HIGHWAY FUNDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO AUTHORIZE THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2003, AND TO EXTEND EXPIRING PROVISIONS OF LAW, is adopted and engrossed.

Upon motion of Senator Dalton, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

WITHDRAWAL FROM CALENDAR

H.B. 1112 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS RELATED TO THE ENVIRONMENT AND ENVIRONMENTAL HEALTH TO (1) REMOVE OUTDATED LANGUAGE RELATED TO SANITATION OF FOOD AND LODGING FACILITIES, (2) TO CLARIFY WHAT CONSTITUTES A BASE OF OPERATIONS FOR MOBILE FOOD UNITS AND PUSHCARTS, AND (3) TO CLARIFY THE FREEBOARD REQUIREMENTS APPLICABLE TO LAGOONS THAT ARE COMPONENTS OF ANIMAL WASTE MANAGEMENT SYSTEMS, placed earlier on the Calendar for tomorrow, Thursday, June 19.

Senator Albertson offers a motion that the Senate Committee Substitute bill be withdrawn from the Calendar for tomorrow, Thursday, June 19, and re-referred to the **Agriculture/Environment/Natural Resources Committee**, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the Calendar for tomorrow, Thursday, June 19, and re-refers the measure to the **Agriculture/Environment/Natural Resources Committee**.

Upon motion of Senator Basnight, seconded by Senator Malone, the Senate adjourns in memory of Mr. Clarence Lightner, subject to receipt of committee reports, to meet tomorrow, Thursday, June 19, at 10:00 A.M.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 21 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND TO AUTHORIZE THE USE OF HIGHWAY TRUST FUND FUNDS TO MATCH FEDERAL-AID HIGHWAY FUNDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO AUTHORIZE THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2003, AND TO EXTEND EXPIRING PROVISIONS OF LAW, with a favorable report.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:51 P.M.

EIGHTY-SECOND DAY

Senate Chamber
Thursday, June 19, 2003

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:

"At the outset, we pray for the conferees who continue the difficult task of negotiating a state budget. We confess that in the busyness of our schedules, O God, that it is easy to listen half-heartedly and speak reactively to you and to others. Sometimes we even try to shut You away in the small boxes of our own agendas.

"Forgive us. Instead, today may we give You our best, the best of our minds, our hearts, and our total and deepest commitment.

"Then matters such as a resolution to the budget process and other things, as Scripture says, shall be added to us. Amen."

The Chair grants leaves of absence for today to Senator Foxx, Senator Garwood and Senator Jenkins.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, 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 of the Senate extends courtesies of the floor to Dr. Ann Newman from Charlotte, North Carolina, who is serving the Senate as Nurse of the Day.

June 19, 2003

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 511, AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PUBLISH THE REVENUE-NEUTRAL TAX RATE IN YEARS WHEN THERE IS A GENERAL REVALUATION OF REAL PROPERTY.

S.B. 593, AN ACT TO EXTEND THE MORATORIA ON CONSTRUCTION OR EXPANSION OF SWINE FARMS.

H.B. 692, AN ACT TO PROVIDE THAT LICENSED AUCTIONEERS CONDUCTING AUCTIONS FOR MOTOR VEHICLE DEALERS DO NOT NEED MOTOR VEHICLE DEALER LICENSES.

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. 494, AN ACT TO ALLOW THE TOWN OF CARRBORO TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY THAT HAVE GATHERINGS OF MORE THAN ONE HUNDRED PEOPLE AND SELL ALCOHOLIC BEVERAGES AND TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR TWELVE MONTHS THE APPROVAL OF SPECIAL USE PERMITS AND SITE PLANS PROPOSED ON SITES RESERVED AS SCHOOL SITES ON THE TOWN'S ADOPTED COMPREHENSIVE LAND-USE PLAN.

H.J.R. 606, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CLARENCE LIGHTNER, PROMINENT CIVIC LEADER, POLITICIAN, AND BUSINESSMAN. (Res. 21)

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. 251, AN ACT TO PROHIBIT THE PRACTICE OF THE "REBIRTHING" TECHNIQUE. (Became law upon approval of the Governor, June 18, 2003--S.L. 2003-205.)

H.B. 357, AN ACT TO PROHIBIT A PERSON THAT ACCEPTS CREDIT, CHARGE, OR DEBIT CARDS FOR THE TRANSACTION OF BUSINESS FROM PRINTING MORE THAN FIVE DIGITS OF A CREDIT, CHARGE, OR DEBIT CARD ACCOUNT NUMBER OR AN EXPIRATION DATE ON A SALES RECEIPT AND TO PROHIBIT A PERSON FROM SELLING A CASH REGISTER OR OTHER MACHINE OR DEVICE THAT ELECTRONICALLY PRINTS RECEIPTS OF CREDIT, CHARGE, OR DEBIT CARD TRANSACTIONS THAT CANNOT BE PROGRAMMED OR OPERATED TO PRODUCE A RECEIPT WITH FIVE OR

FEWER DIGITS OF THE CREDIT, CHARGE, OR DEBIT CARD ACCOUNT NUMBER AND NO EXPIRATION DATE PRINTED ON THE RECEIPT. (Became law upon approval of the Governor, June 18, 2003—S.L. 2003-206.)

The Senate recesses at 10:15 A.M. to reconvene at 11:00 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1213 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE DEFERRED DEPOSIT TRANSACTIONS AND TO PROVIDE ADDITIONAL CONSUMER DISCLOSURES AND PROTECTIONS.

Upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 24.

H.B. 394 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING THE LAW PERTAINING TO LEGAL DEADLINES FALLING ON A HOLIDAY.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 24.

H.B. 163 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF KINGS MOUNTAIN TO ANNEX CERTAIN PROPERTIES OWNED BY THE TOWN, 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Hoyle, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—44.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, June 23, upon third reading.

H.B. 705 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE TOWN OF MATTHEWS ALL THE TERRITORY REMAINING IN ITS SPHERE OF INFLUENCE AND TO ANNEX CERTAIN PROPERTIES INTO THE TOWN OF WAXHAW.

Upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 24, upon second reading.

June 19, 2003

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Purcell for the **Health and Human Resources Committee**:

H.B. 815, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF CHEMICAL DEPENDENCY TREATMENT FACILITY TO PROVIDE THAT SOCIAL SETTING DETOXIFICATION FACILITIES AND MEDICAL DETOXIFICATION FACILITIES ARE NOT CHEMICAL DEPENDENCY TREATMENT FACILITIES FOR THE PURPOSES OF CERTIFICATE OF NEED REQUIREMENTS AND TO AMEND THE DEFINITION OF CHEMICAL DEPENDENCY TREATMENT BED TO PROVIDE THAT BEDS LICENSED FOR DETOXIFICATION ARE NOT CHEMICAL DEPENDENCY TREATMENT BEDS FOR THE PURPOSES OF CERTIFICATE OF NEED REQUIREMENTS, with a favorable report.

Upon motion of Senator Purcell, the bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 1112 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS RELATED TO THE ENVIRONMENT AND ENVIRONMENTAL HEALTH TO (1) REMOVE OUTDATED LANGUAGE RELATED TO SANITATION OF FOOD AND LODGING FACILITIES, (2) TO CLARIFY WHAT CONSTITUTES A BASE OF OPERATIONS FOR MOBILE FOOD UNITS AND PUSHCARTS, AND (3) TO CLARIFY THE FREEBOARD REQUIREMENTS APPLICABLE TO LAGOONS THAT ARE COMPONENTS OF ANIMAL WASTE MANAGEMENT SYSTEMS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

CALENDAR (*continued*)

H.B. 232 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF MILLS RIVER, upon second reading.

The Committee Substitute bill passes its second reading by a three-fifths majority roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—46.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, June 23, upon third reading.

H.B. 511, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN TOWN-OWNED PROPERTIES OF THE TOWN OF ANDREWS FROM THE CEILING ON VOLUNTARY SATELLITE ANNEXATIONS, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—46.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 23, upon third reading.

H.B. 685, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF SUNSET HARBOR, upon second reading.

The bill passes its second reading, by a three-fifths majority roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—46.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 23, upon third reading.

The Senate recesses at 11:25 A.M. to reconvene at 11:30 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

CALENDAR *(continued)*

H.B. 725 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CITY OF CLAREMONT AND THE CITY OF CONOVER AND ANNEXING CERTAIN DESCRIBED PROPERTY TO THE CITY OF CLAREMONT, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Rand, Rucho, Shaw, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—43.

June 19, 2003

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, June 23, upon third reading.

S.B. 57 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF CAROLINA BEACH, WRIGHTSVILLE BEACH, AND YADKINVILLE TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES, for concurrence in the House Committee Substitute bill No. 2, upon second reading.

Upon motion of Senator Ballantine, the Senate concurs in the House Committee Substitute bill No. 2 on its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—46.

Voting in the negative: None.

The House Committee Substitute bill No. 2 remains on the Calendar for Monday, June 23, for concurrence upon third reading.

H.B. 21 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND TO AUTHORIZE THE USE OF HIGHWAY TRUST FUND FUNDS TO MATCH FEDERAL-AID HIGHWAY FUNDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO AUTHORIZE THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2003, AND TO EXTEND EXPIRING PROVISIONS OF LAW, upon second reading.

Senator Brock offers Amendment No. 1.

Senator Rand offers a motion that Amendment No.1 lie upon the table, seconded by Senator Gulley, which motion prevails (27-20). Amendment No. 1 is tabled.

Senator Berger offers Amendment No. 2.

Senator Berger calls the previous question on the adoption of Amendment No. 2 through the passage of the bill, seconded by Senator Ballantine, which motion prevails (47-0).

Amendment No. 2 fails of adoption (20-27).

Senator Queen announces a pair vote. If Senator Foxx were present, she would vote "no"; Senator Queen votes "aye".

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 26, noes 20, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Clodfelter, Dalton, Dannelly, Dorsett, Garrou, Gulley, Hagan, Hargett, Holloman, Hoyle, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Purcell, Rand, Reeves, Shaw, Soles, Swindell, Thomas and Weinstein—26.

Voting in the negative: Senators Allran, Apodaca, Ballantine, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Forrester, Hartsell, Horton, Pittenger, Rucho,

Shubert, Sloan, Smith, Stevens, Tillman and Webster—20.

The Senate Committee Substitute bill remains on the Calendar for Monday, June 23, upon third reading.

H.B. 684 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE A STATUTORY FRAMEWORK FOR THE FINANCING OF CAPITAL FACILITIES BY THE STATE AND TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE THE CONSTRUCTION OF A NEW PSYCHIATRIC HOSPITAL TO BE LOCATED IN BUTNER.

Senator Shubert offers Amendment No. 1.

The President relinquishes the gavel to The Honorable Marc Basnight, President Pro Tempore who presides in the absence of the Lieutenant Governor.

Upon motion of Senator Gulley, the President *Pro Tempore* orders, without objection, the Committee Substitute bill No. 2 temporarily displaced, with Amendment No. 1 pending.

H.B. 339 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM NORTH CAROLINA'S THIRD PARTY ADMINISTRATOR ARTICLE TO REVISIONS TO THE NAIC MODEL THIRD PARTY ADMINISTRATOR STATUTE; REQUIRE GROUP ANNUITY INSURERS TO ISSUE INDIVIDUAL CERTIFICATES OF COVERAGE TO EACH ANNUITANT; REORGANIZE ARTICLE 60 OF CHAPTER 58 OF THE GENERAL STATUTES AND AMEND CURRENT DISCLOSURE REQUIREMENTS FOR SOLICITATION OF LIFE INSURANCE PRODUCTS AND ANNUITIES; REQUIRE INSURERS TO NOTIFY EMPLOYEES OF THE EXISTENCE OF EMPLOYER-OWNED LIFE INSURANCE POLICIES WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF COVERAGE; REQUIRE THAT ASSOCIATION PREMIUM RATES FOR ACCIDENT AND HEALTH INSURANCE BE ACTUARIALLY SOUND AND THAT ASSOCIATIONS BE RATED AS A SINGLE GROUP WHEN THE COVERAGE PROVIDED IS NOT EMPLOYER-BASED; LIMIT AN INDIVIDUAL ACCIDENT AND HEALTH INSURER'S USE OF AN INDIVIDUAL'S OWN CLAIMS' EXPERIENCE TO DEVELOP THE INDIVIDUAL'S RENEWAL RATE; EXEMPT A SOLE PROPRIETOR FROM THE FULL-TIME BASIS OR THIRTY-HOUR WORKWEEK REQUIREMENTS TO BE ELIGIBLE FOR LARGE GROUP HEALTH COVERAGE LIKE THE PROPRIETOR'S FULL-TIME EMPLOYEES; CORRECT AN INADVERTENT CROSS-REFERENCE IN ORDER TO REAPPLY NEWBORN COVERAGE TO A MORE COMPREHENSIVE GROUP OF INSURERS; TECHNICALLY CORRECT AN OMISSION REGARDING PROVISIONS GOVERNING PREEXISTING CONDITIONS FOR LIMITED HEALTH, SUPPLEMENTAL HEALTH, AND SPECIFIED DISEASE POLICIES; DECREASE THE TOTAL NUMBER OF MEMBERS THAT SERVE ON THE SMALL EMPLOYER REINSURANCE POOL BOARD FROM NINE TO SIX; ALLOW PERSONS RETROACTIVELY ENROLLED IN MEDICARE PART B THE SAME SIX-MONTH OPEN ENROLLMENT PERIOD FOR MEDICARE SUPPLEMENT PLANS AS PERSONS WHO ENROLLED IN MEDICARE PART B WITHOUT A RETROACTIVE EFFECTIVE DATE OF COVERAGE; TECHNICALLY CORRECT THE REVOCATION AND SUSPENSION LAW TO

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INCLUDE A BENEFICIARY OF A LIFE OR ANNUITY CONTRACT AS A CLAIMANT; MANDATE HEALTH BENEFIT COVERAGE FOR DESIGNATED TRAVEL EXPENSES WHEN THE REQUIRED DISTANCE TRAVELED THRESHOLD IS MET; AND MAKE TECHNICAL CORRECTIONS TO THE CREDIT INSURANCE LAWS.

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. 994 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ALLOWING THE STATE, COUNTIES, AND CITIES TO CONSTRUCT PRE-ENGINEERED STRUCTURES WITHOUT HAVING THE PLANS AND SPECIFICATIONS FOR THE STRUCTURES REVIEWED BY A REGISTERED ARCHITECT OR ENGINEER.

Without objection, Senator Sloan 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 (39-7) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2.

S.B. 117 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO NAME THE WESTERN JUSTICE ACADEMY IN HONOR OF REPRESENTATIVE LARRY T. JUSTUS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 423 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND ENHANCE CHILD SUPPORT ENFORCEMENT LAWS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Thomas, the Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 773 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COMMUNITY COLLEGES TO ENTER INTO PUBLIC/PRIVATE PARTNERSHIPS FOR CONSTRUCTION PROJECTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dalton, the Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 786 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN THE PROPERTY OF A RESIDENT OF A STATE INSTITUTION UNDER THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IS LOST, DESTROYED, OR OTHERWISE DAMAGED THROUGH NEGLIGENT HANDLING BY THE INSTITUTION, THE INSTITUTION MAY MAKE DIRECT PAYMENT OR PROVIDE REPLACEMENT OF THE ITEM TO THE RESIDENT WITHOUT RECOURSE TO THE TORT CLAIMS PROCESS IF THE AMOUNT OF DAMAGES IS LESS THAN FIVE HUNDRED DOLLARS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Reeves, the Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 847 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY LATE FEES CHARGED TO RESIDENTIAL TENANTS.

Upon motion of Senator Gulley, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 25.

S.B. 925 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS TO PREVENT SECURITIES FRAUD AND TO CLARIFY THE PROHIBITION ON STATE CONTRACTS 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, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 25.

S.B. 926 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LICENSING PROCESS FOR NEW GROUP HOME FACILITIES AND FOR THE REIMBURSEMENT OF EDUCATIONAL COSTS BY THE HOME COUNTY TO THE HOST COUNTY, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 775 (Conference Report), A BILL TO BE ENTITLED AN ACT TO CONDITIONALLY REQUIRE INSURERS TO PROVIDE INFORMATION REGARDING POLICY LIMITS PRIOR TO LITIGATION WHEN REQUESTED IN WRITING BY THE PERSONS WHO HAVE CLAIMS, OTHER THAN MEDICAL MALPRACTICE CLAIMS, SUBJECT TO NONFLEET PRIVATE PASSENGER AUTOMOBILE INSURANCE POLICIES AND TO GIVE THESE INSURERS THE OPTION OF INITIATING PRELITIGATION MEDIATION OF THE CLAIMS, for adoption.

Upon motion of Senator Dalton, the Conference Report is adopted (46-1).

Pursuant to a message received yesterday, Wednesday, June 18 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.

A message is ordered sent to the House of Representatives informing them of such action.

The Senate recesses at 12:38 P.M. to reconvene at 12:43 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.

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CALENDAR (*continued*)

H.B. 684 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE A STATUTORY FRAMEWORK FOR THE FINANCING OF CAPITAL FACILITIES BY THE STATE AND TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE THE CONSTRUCTION OF A NEW PSYCHIATRIC HOSPITAL TO BE LOCATED IN BUTNER, temporarily displaced earlier, upon second reading with Amendment No. 1 pending.

Without objection, Senator Clodfelter requests to be excused from voting on the bill due to a conflict of interest.

Amendment No. 1 offered previously by Senator Shubert, is adopted (46-0), and changes the title to read **H.B. 684** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FINANCING THE CONSTRUCTION OF A NEW PSYCHIATRIC HOSPITAL TO BE LOCATED IN BUTNER.

The Committee Substitute bill No. 2, as amended, passes its second reading, by roll-call vote, ayes 36, noes 9, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Carpenter, Dalton, Dannelly, Dorsett, Garrou, Guley, Hagan, Hargett, Hartsell, Holloman, Hoyle, Kerr, Lucas, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Shaw, Shubert, Sloan, Soles, Swindell, Thomas, Tillman, Webster and Weinstein—36.

Voting in the negative: Senators Brock, Carrington, Forrester, Horton, Malone, Reeves, Rucho, Smith and Stevens—9.

The Committee Substitute bill No. 2, as amended, remains on the Calendar for Monday, June 23, upon third reading.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 152 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CHILD CARE FACILITIES TO DEVELOP AND MAINTAIN A SAFE SLEEP POLICY THAT INCLUDES REQUIRING CAREGIVERS TO PLACE CHILDREN ON THEIR BACK TO SLEEP TO REDUCE THE RISK OF SUDDEN INFANT DEATH SYNDROME (SIDS), AND TO REQUIRE CERTAIN AGENCIES AND THE MEDICAL COMMUNITY TO COOPERATE IN INVESTIGATING REPORTS OF CHILD ABUSE AND NEGLECT IN CHILD CARE FACILITIES.

Pursuant to the message from the House of Representatives received yesterday, June 18, that the House fails to concur in the Senate Committee Substitute bill for H.B. 152 and requests conferees, the President *Pro Tempore* appoints Senator Purcell, Chair, and Senator Forrester and Senator Hagan as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 963 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PERSONS CONVICTED OF LEAVING THE SCENE OF AN ACCIDENT INVOLVING INJURY OR DEATH MAY LOSE THEIR LICENSE FOR A PERIOD OF TWO YEARS.

Pursuant to the message from the House of Representatives received yesterday, June 18, that the House fails to concur in the Senate Committee Substitute bill for

H.B. 963 and requests conferees, the President *Pro Tempore* appoints Senator Shubert, Chair, and Senator Hartsell and Senator Thomas as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 986 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A MOTOR VEHICLE INSURER TO DISCLOSE ANY FINANCIAL INTEREST IN A RECOMMENDED REPAIR FACILITY OR SERVICE.

Pursuant to the message from the House of Representatives received yesterday, June 18, that the House fails to concur in the Senate Committee Substitute bill for H.B. 986 and requests conferees, the President *Pro Tempore* appoints Senator Soles, Chair, and Senator Rand and Senator Carpenter 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.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 230 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL ARTICLE 6 OF THE UNIFORM COMMERCIAL CODE RELATING TO BULK TRANSFERS AND TO ENACT CONFORMING AMENDMENTS TO THE UNIFORM COMMERCIAL CODE AND OTHER SECTIONS OF THE GENERAL STATUTES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, June 23.

S.B. 881 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT PHASE II PAYMENTS UNDER THE NATIONAL TOBACCO GROWER SETTLEMENT TRUST TO BE PAID WITHOUT REOPENING A DECEDENT'S ESTATE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, June 23.

S.B. 955 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING CONTRACTS FOR SCHOOL PRINCIPALS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, June 23.

Upon motion of Senator Dannelly, seconded by Senator Smith, the Senate adjourns at 1:03 P.M. to meet Monday, June 23, at 7:00 P.M.

EIGHTY-THIRD DAY

Senate Chamber
Monday, June 23, 2003

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, the Senate is a place where many words are spoken. The Journal even records them during times of official business. The Hebrew term 'dabar' means both words spoken, like here in the Senate, and deeds done, thus to say something is to do something.

"We say that 'our word is our bond; that we can hang our hats on our words; that we can give our word of honor.'

"Because when we speak, our words are irrevocably tossed like stones into the pool of history where the rings lap out forever.

"So help us this week, that our words and deeds are compatible and are acceptable to You, O Lord, our strength and redeemer. Amen."

The Chair grants leaves of absence for tonight to Senator Holloman, Senator Metcalf and Senator Rucho.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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. Edwin T. Preston from Durham, North Carolina, who is serving the Senate as Doctor of the Day.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 1331 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JANE HURLEY MOSLEY, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

Upon motion of Senator Rand, the joint resolution is read in its entirety and, upon motion of Senator Dannelly, the remarks of the members are spread upon the Journal, as follows:

Senator Reeves:

"Madame President, I rise to support the resolution. Jane was a wonderful friend. She and I started in public life the same year, in 1993. She was here in the House of Representatives and I was serving on the Raleigh City Council. One of the things I enjoyed so much about Jane was her absolute love for politics. She loved doing it.

She liked meeting people. She enjoyed working on issues and one of the things that always struck me about her was that she was invariably always happy, even when things weren't exactly working out the way she wanted them. She would always smile and say, 'There's always a way to win.' Another thing about Jane that was just amazing to me, she never let things get her down. She was always upbeat, always looking for ways to support not only the ideas that she had, but also the ideas of those around her. I did not know until I was reading this resolution, about her 'Most Outstanding Woman in State Government' in 1972 and then again in 1981 and also being recognized by the American Cancer Society in 1985. I think all of us remember her deep struggles with cancer and how she fought all of that battle tremendously and at the same time being that happy person, the uplifting person. She never let any of her personal issues get her down. That's what I remember of Jane Mosely and I urge the Chamber to support this resolution."

Senator Kinnaird:

"I came to this Body the same year that Jane Mosely came in her second time that she was here. I remembered someone who was so vivacious and so optimistic and just lots of fun. She was a very lovely person, both in her person and in her personality. We worked on a number of issues together and she never got discouraged. More importantly, once she was diagnosed with cancer and it was actually very serious, she never let anybody feel that this was something that she was discouraged about or that anybody was discouraged about. I remember she even ran in one of the cancer marathons even though she was seriously ill from both the cancer and from the chemotherapy treatments. She set an example for all of us for what we can be and we are greatly saddened by her loss. Her presence and her memory are still with us. I urge support for the resolution."

Senator Lucas:

"For those of you who may not have known Representative Jane Mosely, let me just give you some adjectives that describe her. She was warm, personable, hard working, concerned about her constituents and the citizens of North Carolina. She was highly respected, kind, cooperative, and we trusted her judgment. Before she departed this life, we all knew that she was extremely ill. One day, Wib, you know that she came to Durham. She was ill, but she participated in the environmental day with the Durham delegation. One of the activities was for us to get in the canoe and go down the Eno River with Governor Hunt. Jane was in the canoe and I was in another canoe. She fell out of her canoe and I decided that before I fell out of the canoe, everybody was going to help me so I took two forest rangers, the Governor, my husband, and another woman whose name I don't know to get me out of that canoe. I do want you to know that God gave us a gift and it was the life of Jane Mosely and so tonight I just stand to let you know her spirit and to commend the resolution to you. Thank you, Madame President."

Senator Swindell:

"Madame President, thank you. Ladies and gentlemen of the Senate, Jane Mosely was my friend. Jerry, Carlton, Kimberly, who cannot be with us tonight because she is in Charlotte getting ready to have the first grandchild for Jerry. Jane came to the General Assembly replacing Peggy Stamey when she was appointed to the Parole Commission. Jane Mosely and I were dear friends since we were very small. She

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and my sister were best friends. She was chief cheerleader and my sister was a cheerleader. She cheered for me, somebody had to because I didn't get on the field that much. I guess I've done many things in my life and one of the toughest has to be to stand here now. My mother came last week as Jerry and Carlton know, thinking the resolution was last Monday night and she was not able to come tonight. She is the godparent of Carlton and Kimberly. Jane was not only everything you've heard here tonight, she was much, much more. On the day we lost her mother, Mrs. Hurley, I was in the room at the hospital when Mrs. Hurley died. Jane had come by ambulance from Chapel Hill where she was undergoing cancer treatment to hold her mother's hand as she slipped away into a better life. That's who Jane Mosely was. Always a smile, always a laugh, always a good story. What goes beyond that is the fact that with Jane, her family lived the same way. They were the leaders in the church in Cary, Jerry still and Carlton. After Jane's mother, we lost her, then we lost Jane's father. To me, as I think back about Jane, the many things she stood for, she was a fighter for every cause she ever got involved in. Whether it was Operation Life Saver, whether it was with the Chamber of Commerce and, oh yes, the North Carolina House of Representatives. I am proud to call her love, friend, and much more. To you, Jerry, and all the friends from Cary that are upstairs looking down, I sense the presence of Jane with us tonight. She fought to the end, she came to sessions when she didn't feel well. She never once told me she did not feel good. The day before we lost Jane, I remember her concern was when I saw her, she said, 'I hate for you to see me like this' because she wasn't fixed up. I say to you, thank you for coming tonight, family, thank you to this great State for honoring one of our finest citizens that North Carolina has produced in Jane Mosely."

The joint resolution passes its second reading (47-0) and third reading with members standing, and is ordered enrolled.

The President extends the courtesies of the gallery to Jerry W. Mosely, husband of Jane Mosely; and Carlton Mosely, son of Jane Mosely.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 117, AN ACT TO NAME THE WESTERN JUSTICE ACADEMY IN HONOR OF REPRESENTATIVE LARRY T. JUSTUS.

S.B. 423, AN ACT TO CLARIFY AND ENHANCE CHILD SUPPORT ENFORCEMENT LAWS.

S.B. 537, AN ACT TO EXCLUDE AIRPORTS FROM THE PUBLIC ENTERPRISE BILLING INFORMATION PRIVACY LAW.

S.B. 773, AN ACT TO AUTHORIZE COMMUNITY COLLEGES TO ENTER INTO PUBLIC/PRIVATE PARTNERSHIPS FOR CONSTRUCTION PROJECTS.

S.B. 786, AN ACT TO PROVIDE THAT WHEN THE PROPERTY OF A RESIDENT OF A STATE INSTITUTION UNDER THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IS LOST, DESTROYED, OR OTHERWISE DAMAGED THROUGH NEGLIGENT HANDLING BY THE INSTITUTION, THE INSTITUTION MAY MAKE DIRECT PAYMENT OR PROVIDE REPLACEMENT OF THE ITEM TO THE RESIDENT WITHOUT RECOURSE TO THE TORT CLAIMS PROCESS IF THE AMOUNT OF DAMAGES IS LESS THAN FIVE HUNDRED DOLLARS.

S.B. 926, AN ACT TO CLARIFY THE LICENSING PROCESS FOR NEW GROUP HOME FACILITIES AND FOR THE REIMBURSEMENT OF EDUCATIONAL COSTS BY THE HOME COUNTY TO THE HOST COUNTY.

S.B. 952, AN ACT TO MAKE NEW CHALLENGE GRANTS AVAILABLE FROM THE DISTINGUISHED PROFESSORS ENDOWMENT TRUST FUND FOR CERTAIN CONSTITUENT INSTITUTIONS.

H.B. 283, AN ACT TO REQUIRE REAL PROPERTY WARRANTY COMPANIES TO CARRY CONTRACTUAL LIABILITY POLICIES; ESTABLISH GREATER UNIFORMITY AND FLEXIBILITY FOR REQUIREMENTS IMPOSED UPON SERVICE AGREEMENT COMPANIES AND PERSONS THAT ISSUE WARRANTIES UNDER ARTICLE 1 OF CHAPTER 58; EXPAND THE DEFINITION OF HOME APPLIANCE WITHIN THE HOME APPLIANCE SERVICE AGREEMENT COMPANIES STATUTE; ENHANCE ENFORCEMENT OF ARTICLE 1 OF CHAPTER 58; REQUIRE MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES TO USE A SPECIFIC FORMAT ON ALL WRITTEN MATERIALS SUBMITTED; MANDATE ALL REQUIRED INSURER SUBMISSIONS TO THE DEPARTMENT OF INSURANCE TO BE IN A SPECIFIC FORMAT IF IN WRITING; DEFINE MECHANICAL BREAKDOWN SERVICE AGREEMENTS AND REQUIRE ALL MECHANICAL BREAKDOWN SERVICE AGREEMENT COMPANIES TO COMPLY WITH ARTICLE 1 OF CHAPTER 58 OF THE GENERAL STATUTES AND WITH THE RULES REGARDING MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES; PROVIDE THAT A BAD CHECK CONSTITUTES GROUNDS FOR TERMINATION OF A MOTOR VEHICLE LIABILITY INSURANCE POLICY; AND AUTHORIZE THE ISSUANCE OF LIMITED LICENSES FOR THE SALE OF INSURANCE COVERAGE ON PERSONAL PROPERTY STORED IN SELF-SERVICE STORAGE UNITS.

H.B. 818, AN ACT TO PROVIDE FOR THE SAFEKEEPING OF MILITARY DISCHARGE DOCUMENTS AND TO PREVENT DISCLOSURE TO UNAUTHORIZED PARTIES.

H.B. 1016, AN ACT TO ADD PARTICULAR UNIVERSITY FACILITIES AS NONSMOKING AREAS.

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. 248, AN ACT ALLOWING THE CITY OF WILMINGTON TO DISCLOSE LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS.

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. 315, AN ACT RELATING TO CONTRACTS OF MINORS FOR ARTISTIC, CREATIVE, OR ATHLETIC SERVICES. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-207.)

S.B. 669, AN ACT TO AMEND THE LAW REGARDING THE CIVIL REMEDY FOR PROTECTION OF ANIMALS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO AUTHORIZE THE GENERAL STATUTES COMMISSION TO STUDY THE NEED TO REGULATE "PUPPY MILLS". (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-208.)

H.B. 201, AN ACT TO REQUIRE A REVIEW PROCEDURE TO ENSURE THAT CANDIDATES' NAMES APPEAR ON THE BALLOT IN ACCORDANCE WITH LAW. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-209.)

H.B. 665, AN ACT TO MODIFY THE DUTIES OF THE BOARD OF SCIENCE AND TECHNOLOGY. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-210.)

H.B. 483, AN ACT PROVIDING FOR THE ABROGATION OF OFFENSIVE PLACE-NAMES THROUGHOUT THE STATE (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-211.)

H.B. 276, AN ACT TO MAKE SUBSTANTIVE AND TECHNICAL AMENDMENTS IN THE LAWS CONCERNING INSURANCE COMPANY SOLVENCY AND TO PROHIBIT OFFICERS AND EMPLOYEES OF THE STATE AND ITS POLITICAL SUBDIVISIONS FROM REQUIRING CONSTRUCTION CONTRACT BIDDERS TO OBTAIN SURETY BONDS FROM SURETIES OR PRODUCERS DESIGNATED BY THE OFFICERS AND EMPLOYEES. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-212.)

H.B. 928, AN ACT TO AUTHORIZE APPALACHIAN STATE UNIVERSITY TO REGULATE PARKING ON CERTAIN STREETS. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-213.)

H.B. 1024, AN ACT ADOPTING THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT FOR NORTH CAROLINA. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-214.)

H.B. 1210, AN ACT MODIFYING THE MEMBERSHIP OF THE BOARD OF

TRUSTEES OF THE NORTH CAROLINA SCHOOL OF THE ARTS. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-215.)

S.B. 771, AN ACT TO PROHIBIT THE USE OF A PERSON'S CREDIT HISTORY AS A SOLE BASIS FOR TERMINATING INSURANCE COVERAGE OR SUBJECTING A POLICY TO CONSENT TO RATE. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-216.)

S.B. 167, AN ACT PERMITTING WEAPONS ON THE HOWELL WOODS NATURE CENTER PROPERTY OF JOHNSTON COMMUNITY COLLEGE FOR HUNTING PURPOSES. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-217.)

S.B. 19, AN ACT TO AMEND THE LAW REGARDING TOWNSHIP ABC ELECTIONS IN CERTAIN TOWNSHIPS. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-218.)

S.B. 629, AN ACT TO CLARIFY THE REQUIREMENTS FOR SUBORDINATION AGREEMENTS. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-219.)

S.B. 439, AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-220.)

H.B. 270, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE INSURANCE LAWS. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-221.)

H.B. 1260, AN ACT TO INCREASE THE MAXIMUM FEES THAT THE BOARD OF EXAMINERS FOR SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS MAY ASSESS FOR CERTAIN FEES. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-222.)

S.B. 887, AN ACT TO MANDATE INSURANCE COVERAGE FOR SURVEILLANCE TESTS FOR WOMEN AGE TWENTY-FIVE AND OLDER AND AT RISK FOR OVARIAN CANCER. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-223.)

H.B. 1155, AN ACT ALLOWING PAYROLL DEDUCTION FOR STATE EMPLOYEES CONTRIBUTING TO THE PARENTAL SAVINGS TRUST FUND. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-224.)

H.B. 637, AN ACT TO PERMIT THE SETTLOR OF A REVOCABLE TRUST TO RELIEVE THE TRUSTEE OF DUTIES, RESTRICTIONS, AND LIABILITIES IMPOSED BY THE UNIFORM TRUSTS ACT. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-225.)

H.B. 842, AN ACT TO PROVIDE FOR A SYSTEM FOR ALL NORTH

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CAROLINA ELECTIONS THAT COMPLIES WITH THE HELP AMERICA VOTE ACT AND TO HELP PREVENT DUPLICATE NAMES ON JURY LISTS. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-226.)

H.B. 916, AN ACT TO ESTABLISH A VACCINATION PROGRAM FOR FIRST RESPONDERS TO TERRORIST INCIDENTS, CATASTROPHIC OR NATURAL DISASTERS, OR EMERGENCIES. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-227.)

H.B. 975, AN ACT TO PROVIDE PURCHASING FLEXIBILITY FOR THE UNIVERSITY OF NORTH CAROLINA. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-228.)

H.B. 1151, AN ACT TO AMEND THE ADMINISTRATIVE PROCEDURE ACT TO REVISE THE PROCEDURE FOR ADOPTING PERMANENT AND TEMPORARY RULES, TO CREATE A PROCEDURE FOR THE ADOPTION OF EMERGENCY RULES, TO CLARIFY THE ROLE OF THE RULES REVIEW COMMISSION, AND TO EXCLUDE THE STATE MEDICAL FACILITIES PLAN FROM THE DEFINITION OF A RULE. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-229.)

S.B. 424, AN ACT TO AMEND THE LAW CONCERNING TUITION WAIVERS AND TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY WHETHER TO EXTEND THESE TUITION WAIVERS. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-230.)

S.B. 437, AN ACT TO ALLOW A PLUMBING AND HEATING CONTRACTOR OR AN ELECTRICAL CONTRACTOR LICENSED UNDER CHAPTER 87 OF THE GENERAL STATUTES TO BID AND CONTRACT DIRECTLY WITH THE OWNER OF A PUBLIC BUILDING PROJECT IN CERTAIN CIRCUMSTANCES. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-231.)

S.B. 549, AN ACT TO ADOPT THE REVISED UNIFORM PRINCIPAL AND INCOME ACT. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-232.)

S.B. 622, AN ACT TO FURTHER PROMOTE E-COMMERCE AND E-GOVERNMENT. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-233.)

S.B. 627, AN ACT TO DEDICATE AND ACCEPT CERTAIN PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE, TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, AND TO DELETE A PARK FROM THE STATE PARKS SYSTEM. (Became law upon approval of the Governor, June 19, 2003–S.L. 2003-234.)

H.B. 892, AN ACT TO DETERMINE WHETHER A DRIVER OF A TRUCK,

TRACTOR, OR TRUCK TRACTOR TRAILER OF AN INTERSTATE OR INTRASTATE MOTOR CARRIER IS AN EMPLOYEE SUBJECT TO THE WORKERS' COMPENSATION ACT AND TO DEFINE THE OBLIGATIONS UNDER THE ACT FOR SUCH DRIVERS. (Became law upon approval of the Governor, June 19, 2003--S.L. 2003-235.)

H.B. 1123, AN ACT TO EXPRESSLY PROVIDE FOR LIMITED GUARDIANSHIPS FOR INCOMPETENT PERSONS AND TO CLARIFY THE DUTY OF A GUARDIAN AD LITEM APPOINTED TO REPRESENT A PERSON IN AN INCOMPETENCY ADJUDICATION AND TO CLARIFY THE APPOINTMENT OF GUARDIAN AD LITEMS UNDER RULE 17 OF THE RULES OF CIVIL PROCEDURE. (Became law upon approval of the Governor, June 19, 2003--S.L. 2003-236.)

S.B. 494, AN ACT TO ALLOW THE TOWN OF CARRBORO TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY THAT HAVE GATHERINGS OF MORE THAN ONE HUNDRED PEOPLE AND SELL ALCOHOLIC BEVERAGES AND TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR TWELVE MONTHS THE APPROVAL OF SPECIAL USE PERMITS AND SITE PLANS PROPOSED ON SITES RESERVED AS SCHOOL SITES ON THE TOWN'S ADOPTED COMPREHENSIVE LAND-USE PLAN. (Became law upon ratification, June 19, 2003--S.L. 2003-237.)

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 Kerr for the **Finance Committee**:

S.B. 550 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE AND STRENGTHEN CREMATION LAW IN NORTH CAROLINA AND TO IMPROVE AND MAKE TECHNICAL CORRECTIONS TO THE FUNERAL LAW, 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, 35329 is adopted and engrossed.

S.B. 945 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES SHALL MODIFY THE PERMIT PROCESS FOR CERTAIN AIR QUALITY PERMITS, SHALL CONDUCT A THOROUGH REVIEW OF THE ENVIRONMENTAL PERMIT PROGRAMS TO IDENTIFY IMPEDIMENTS TO THE TIMELY ISSUANCE OF PERMITS BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND SHALL MAKE RECOMMENDATIONS FOR MODIFICATIONS TO THESE PROGRAMS IN ORDER TO ENHANCE ECONOMIC DEVELOPMENT, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

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Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 35330, which changes the title to read **S.B. 945** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EXTENT TO WHICH A PROSPECTIVE APPLICANT FOR AN AIR QUALITY PERMIT FOR A NEW FACILITY MAY ENGAGE IN CONSTRUCTION PRIOR TO OBTAINING THE AIR QUALITY PERMIT AND TO SPECIFY THE CIRCUMSTANCES UNDER WHICH A PERSON WHO HOLDS AN AIR QUALITY PERMIT MAY ALTER OR EXPAND THE FACILITY UPON GIVING NOTICE TO THE ENVIRONMENTAL MANAGEMENT COMMISSION AND THE PUBLIC OF THE PERMITTEE'S INTENT TO APPLY FOR MODIFICATION OF THE PERMIT, is adopted and engrossed.

H.B. 1074 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE A STATUTE TO CREATE A BUTNER ADVISORY COUNCIL SO AS TO ELECT ALL MEMBERS AT LARGE IN ONE MULTISEAT RACE AND ELIMINATE STAGGERED TERMS; TO DEFINE THE ELECTORAL JURISDICTION OF THE COUNCIL AND THE JURISDICTION OF SPECIAL POLICE OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY; AND TO AMEND THE LEGISLATION IN OTHER NEEDED WAYS, 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 30388 is adopted and engrossed.

WITHDRAWAL FROM CALENDAR

H.B. 705 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE TOWN OF MATTHEWS ALL THE TERRITORY REMAINING IN ITS SPHERE OF INFLUENCE AND TO ANNEX CERTAIN PROPERTIES INTO THE TOWN OF WAXHAW, placed on the Calendar for tomorrow, Tuesday, June 24.

Senator Hoyle offers a motion that the Senate Committee Substitute bill be withdrawn from the Calendar for tomorrow, Tuesday, June 24, and placed on tonight's Calendar, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the Calendar for tomorrow, Tuesday, June 24 and places it on tonight's Calendar.

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 743, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NURSE TESTIMONIAL PRIVILEGE, with a favorable report.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 685, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF SUNSET HARBOR, upon second reading.

Upon motion of Senator Soles, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, July 1, upon third reading.

S.B. 230 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL ARTICLE 6 OF THE UNIFORM COMMERCIAL CODE RELATING TO BULK TRANSFERS AND TO ENACT CONFORMING AMENDMENTS TO THE UNIFORM COMMERCIAL CODE AND OTHER SECTIONS OF THE GENERAL STATUTES.

Upon motion of Senator Hartsell, the House Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, June 24.

H.B. 1112 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS RELATED TO THE ENVIRONMENT AND ENVIRONMENTAL HEALTH TO (1) REMOVE OUTDATED LANGUAGE RELATED TO SANITATION OF FOOD AND LODGING FACILITIES, (2) TO CLARIFY WHAT CONSTITUTES A BASE OF OPERATIONS FOR MOBILE FOOD UNITS AND PUSHCARTS, AND (3) TO CLARIFY THE FREEBOARD REQUIREMENTS APPLICABLE TO LAGOONS THAT ARE COMPONENTS OF ANIMAL WASTE MANAGEMENT SYSTEMS.

Upon motion of Senator Albertson, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, June 24.

H.B. 163 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF KINGS MOUNTAIN TO ANNEX CERTAIN PROPERTIES OWNED BY THE TOWN, 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 232 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF MILLS RIVER, upon third reading.

The Committee Substitute bill passes its third reading, by a three-fifths majority roll-call vote, ayes 47, noes 0, as follows:

Voting in the Affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton,

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Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 511, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN TOWN-OWNED PROPERTIES OF THE TOWN OF ANDREWS FROM THE CEILING ON VOLUNTARY SATELLITE ANNEXATIONS, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the Affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 725 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CITY OF CLAREMONT AND THE CITY OF CONOVER AND ANNEXING CERTAIN DESCRIBED PROPERTY TO THE CITY OF CLAREMONT, 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

S.B. 57 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF CAROLINA BEACH, WRIGHTSVILLE BEACH, AND YADKINVILLE TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES, for concurrence upon third reading.

The Senate concurs in the House Committee Substitute bill No. 2 on its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the Affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The House Committee Substitute bill No. 2 is ordered enrolled.

H.B. 21 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND TO AUTHORIZE THE USE OF HIGHWAY TRUST FUND FUNDS TO MATCH FEDERAL-AID HIGHWAY FUNDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO AUTHORIZE THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2003, AND TO EXTEND EXPIRING PROVISIONS OF LAW, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 26, noes 21, as follows:

Voting in the Affirmative: Senators Albertson, Basnight, Clodfelter, Dalton, Dannelly, Dorsett, Garrou, Gulley, Hagan, Hargett, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Purcell, Queen, Rand, Reeves, Shaw, Soles, Swindell, Thomas and Weinstein—26.

Voting in the negative: Senators Allran, Apodaca, Ballantine, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Horton, Pittenger, Shubert, Sloan, Smith, Stevens, Tillman and Webster—21.

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. 684 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE A STATUTORY FRAMEWORK FOR THE FINANCING OF CAPITAL FACILITIES BY THE STATE AND TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE THE CONSTRUCTION OF A NEW PSYCHIATRIC HOSPITAL TO BE LOCATED IN BUTNER, as amended on second reading, upon third reading.

The Committee Substitute bill No. 2, as amended, passes its third reading, by roll-call vote, ayes 38, noes 8, as follows:

Voting in the Affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Carpenter, Carrington, Dalton, Dannelly, Dorsett, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Hoyle, Jenkins, Kerr, Lucas, Moore, Pittenger, Purcell, Queen, Rand, Shaw, Shubert, Sloan, Soles, Swindell, Thomas, Tillman, Webster and Weinstein—38.

Voting in the negative: Senators Brock, Forrester, Horton, Kinnaird, Malone, Reeves, Smith and Stevens—8.

The Committee Substitute bill No. 2, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

WITHDRAWAL FROM COMMITTEE

S.B. 453, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF UNION, referred to the **Rules and Operations of the Senate Committee** on March 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**.

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CALENDAR *(continued)*

S.B. 881 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT PHASE II PAYMENTS UNDER THE NATIONAL TOBACCO GROWER SETTLEMENT TRUST TO BE PAID WITHOUT REOPENING A DECEDENT'S ESTATE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 955 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING CONTRACTS FOR SCHOOL PRINCIPALS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Tillman, the Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled and sent to the Governor by special message.

H.B. 705 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE TOWN OF MATTHEWS ALL THE TERRITORY REMAINING IN ITS SPHERE OF INFLUENCE AND TO ANNEX CERTAIN PROPERTIES INTO THE TOWN OF WAXHAW, placed earlier on tonight's Calendar, upon second reading.

Upon the appearance of Senator Rucho in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

Senator Hartsell offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 47, noes 1, as follows:

Voting in the Affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: Dorsett—1.

The Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow, Tuesday, June 24, upon third reading.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 293 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING SALES REPRESENTATIVE COMMISSIONS, 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, June 24.

S.B. 421 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND MAKE TECHNICAL CORRECTIONS TO THE CHILD

WELFARE LAWS AND TO ENHANCE THE STATE'S ABILITY TO PROTECT CHILDREN, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, June 24.

S.B. 521 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE REGULATION OF PYROTECHNIC DISPLAYS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, June 24.

S.B. 714 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT PUBLIC SCHOOL EMPLOYEES DO NOT LOSE PAY WHILE THEY ARE ON MILITARY DUTY, 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, June 24.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Hannah Autry, Stedman; Frank Battle Barragan, Fayetteville; Torie S. Booker, Greensboro; Jessica Lauren Clark, Kill Devil Hills; Devin Thomas Clark, Kill Devil Hills; Kathleen Crone, Raleigh; Christina Kay Gooch, Waynesville; Meredith Greeson, Eden; Meghan Herridge, Clayton; Mark John Keen, Raleigh; Jennifer King, Raleigh; Solomon Lartey, Winston-Salem; Jeffrey Levenbook, Raleigh; Travis E. Marsh, Rocky Mount; Loressa Mitchell, Winston-Salem; Andrew Tyler Murdock, Gastonia; Charles Pou O'Bryant, Raleigh; Holly Anne Padgett, Casar; Gilette Michelle Parker, Durham; Sandy Roberts, Raleigh; Michael Lawrence Stiles, Gastonia; and Britt A. Tatum, Fayetteville.

Upon motion of Senator Basnight, seconded by Senator Soles, the Senate adjourns at 7:56 P.M. to meet tomorrow, Tuesday, June 24, at 3:00 P.M.

EIGHTY-FOURTH DAY

Senate Chamber
Tuesday, June 24, 2003

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, forgive us on the days when we start out with such good intention

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regarding those with whom we are to interact, yet somehow end up like the Old Testament prophet, your prophet, wishing we could dance on someone's grave.

"Restore to each of us the joy of our salvation, then we shall be able to be reconcilers instead of dividers, peacemakers rather than antagonists, always capable of offering a word of hope and healing to all whom we encounter. In Your Holy Name we pray, Amen."

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Monday, June 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.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 881, AN ACT TO PERMIT PHASE II PAYMENTS UNDER THE NATIONAL TOBACCO GROWER SETTLEMENT TRUST TO BE PAID WITHOUT REOPENING A DECEDENT'S ESTATE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

S.B. 955, AN ACT TO MODIFY THE LAW REGARDING CONTRACTS FOR SCHOOL PRINCIPALS.

H.B. 408, AN ACT TO MODIFY THE SECRET PEEPING STATUTE AND TO MAKE CONFORMING CHANGES.

H.B. 807, AN ACT TO CLARIFY CERTAIN PROVISIONS OF THE LAW ESTABLISHING THE ELECTIVE SHARE OF A DECEDENT'S SURVIVING SPOUSE.

H.B. 1037, AN ACT TO ESTABLISH CRIMINAL PENALTIES FOR ALLOWING JUVENILES TO ESCAPE AND TO ALLOW JUVENILE DETENTION FACILITIES TO PHOTOGRAPH JUVENILES AND TO RELEASE THE PHOTOGRAPHS WHEN THE JUVENILE ESCAPES.

H.B. 1171, AN ACT TO MAKE CHANGES IN THE LAW PROHIBITING HAZING.

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. 57, AN ACT TO ALLOW THE TOWNS OF CAROLINA BEACH, WRIGHTSVILLE BEACH, AND YADKINVILLE TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES.

H.B. 163, AN ACT TO ALLOW THE CITY OF KINGS MOUNTAIN TO ANNEX CERTAIN PROPERTIES OWNED BY THE TOWN.

H.B. 232, AN ACT TO INCORPORATE THE TOWN OF MILLS RIVER.

H.B. 511, AN ACT TO EXEMPT CERTAIN TOWN-OWNED PROPERTIES OF THE TOWN OF ANDREWS FROM THE CEILING ON VOLUNTARY SATELLITE ANNEXATIONS.

H.B. 725, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CITY OF CLAREMONT AND THE CITY OF CONOVER AND ANNEXING CERTAIN DESCRIBED PROPERTY TO THE CITY OF CLAREMONT.

H.J.R. 1331, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JANE HURLEY MOSLEY, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 22)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 697 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF TROY AND ITS REDEVELOPMENT COMMISSION TO ACQUIRE PROPERTY WITHIN A REDEVELOPMENT AREA USING THE "QUICK TAKE" PROCEDURE.

Upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 2, upon second reading.

H.B. 1213 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE DEFERRED DEPOSIT TRANSACTIONS AND TO PROVIDE ADDITIONAL CONSUMER DISCLOSURES AND PROTECTIONS.

Upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 25.

S.B. 230 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL ARTICLE 6 OF THE UNIFORM COMMERCIAL CODE RELATING TO BULK TRANSFERS AND TO ENACT CONFORMING AMENDMENTS TO THE UNIFORM COMMERCIAL CODE AND OTHER SECTIONS OF THE GENERAL STATUTES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hartsell, the House Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Judiciary II Committee**.

H.B. 1112 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS RELATED TO THE ENVIRONMENT AND ENVIRONMENTAL HEALTH TO (1) REMOVE OUTDATED LANGUAGE RELATED TO SANITATION OF FOOD AND LODGING FACILITIES, (2) TO CLARIFY WHAT CONSTITUTES A BASE OF OPERATIONS FOR MOBILE FOOD UNITS AND PUSHCARTS, AND (3) TO CLARIFY THE FREEBOARD REQUIREMENTS APPLICABLE TO LAGOONS THAT ARE COMPONENTS OF ANIMAL WASTE MANAGEMENT SYSTEMS.

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Upon motion of Senator Albertson, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 25.

S.B. 293 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING SALES REPRESENTATIVE COMMISSIONS, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Thomas, the House Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 25.

H.B. 743, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NURSE TESTIMONIAL PRIVILEGE.

Upon motion of Senator Clodfelter, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 1.

PRIVILEGES OF THE FLOOR

Upon motion of Senator Rand, the President *Pro Tempore*, extends privileges of the floor to Donald J. Palmisano, MD, JD, from New Orleans, Louisiana, President of the American Medical Association. Dr. Palmisano addresses the Senate and, upon motion of Senator Foxx, his words are spread upon the Journal as follows:

Dr. Donald J. Palmisano, President, American Medical Association:

"Thank you very much, President *Pro Tem*, ladies and gentlemen of the Senate. On behalf of the American Medical Association and the North Carolina Medical Society, I thank you for the opportunity to be here today in this Chamber, a symbol of liberty, and thank you, Senator Rand, for your kind words. Also, I would be remiss if I didn't mention two physicians who have entered the Senate, Dr. Jim Forrester and Dr. Bill Purcell. We tell physicians to get involved and they have certainly taken it to heart by being here.

"There are many challenges facing American medicine today, owners' regulations, unfunded mandates, concerns with patient privacy, the rights of patients, and new threats that have emerged - bio-terrorism. The system is under severe stress and we want to do the very best for our patients. We want to make sure that ethical science-based medicine survives so that the science fiction of yesterday continues to be the reality of today so that we do not go into a new dark age of medicine. The Greeks said a long time ago that the main goal in life is to die young as late as possible and we believe American medicine is something we can all be proud of. As I travel to foreign countries, people acknowledge the great medical care that is available in America despite some of the problems we have. And I want to salute your great programs here. You all have done outstanding work and we salute you for that. Some of the problems we face, forty-one million Americans are uninsured, yet seventy-five percent of those Americans have a job. We have decided that we have solutions to many of these but we need to work with you in the state houses and in the United States Senate and the United States House of Representatives. We know that public service is a great responsibility that you bear and when I was a young man, I learned about public service from my father. Let me tell you a brief story. It was a hot August day many years ago in New Orleans. A disturbed man took hostages at

gunpoint and the police came to the house. The ranking officer walked out on the lawn and took out a service revolver and put it on the ground and he walked into the house. He opened the door and walked in and as he did, the gunman took the gun and put it in the policeman's face and said, 'Now I am going to kill you.' And the policeman raised his hand, not to strike a blow or to ward off the weapon, but to feel the gunman's forehead and the policeman calmly said, 'You have a fever. Let me take you to Charity Hospital.' After a dramatic pause, the gunman gave up his gun, the hostages were saved and no one was harmed. That policeman was my dad, Dominique Palmisano, and that's the type of public service that he taught us as children. That's the type of public service that you have the grave responsibility because you make decisions that affect all of the citizens of your great State here in North Carolina.

"I had doubt that I could be a doctor after my first anatomy exam. I failed that exam. I was a bright student, so they said. I had great grades and yet I failed that exam, and it crushed me so much that I came home and I broke one of my mom's rules, talking to Dad before he had his evening meal after a tough day on the job, and I said, 'Dad, I'm quitting medicine. I'm not smart enough to be a doctor.' He put down the newspaper and he looked me straight in the eye and he said 'Son, you're smart enough to be a doctor, but you have to remember three things. You have to do your homework, have courage, and don't give up.' I followed that advice and as I told the House of Delegates several nights ago when I was inaugurated as the 158th President of the AMA, that's what we need to do as an organization and we come today to pledge our support to work with you. We're not going to agree on everything, but we know the grave responsibility that you have as legislators. You're going to have different views about how to fix problems, and your job is to discern the difference between the facts and the hyperbole and come up with a reasonable balance that keeps doctors in the practice of medicine, to come up with a balance to make sure there are doctors available.

"When Lance Armstrong won his third or fourth Tour De France, he did it after being treated for testicular cancer that had metastasized to his brain and other organs. That's the miracle of modern medicine, and that's the hope we want to give to these young doctors at your great medical schools here, that they can survive and thrive, that they can be creative and do wonderful things. So public service is not only a responsibility, it's an honor. So what we have to do is figure out a way to protect our patients, whatever the issue is. North Carolina, I must admit, is a source of concern for the American Medical Association. There are now eighteen states in the medical liability crisis stage and North Carolina is one of those states. So as public servants, you have to do your homework, have courage and not give up.

"As a physician, I look to proven methods when I go into the operating room and the American Medical Association supports a system that has worked in California for over a quarter of a century. It's a system that fairly compensates injured patients while encouraging expeditious action on medical liability claims. Maternity wards, trauma centers, rural health clinics don't close down in California because they have a system that works. I know you know how contentious a debate can be both from what you've heard here and what you've seen on the TV on some of these debate shows. We believe we have done our homework. We believe we can bring you information that is valid and credible so that you can help make the decision that is best for the patients in your state. As far as patient safety, we believe that the shame and blame system doesn't work very well. It certainly doesn't stop. All the years of

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shame and blame don't stop the celebrated cases that you read in the newspapers. But we think there is a system that works for the aviation industry. It's the Aviation Safety Reporting System, and the AMA founded the National Patient Safety Foundation in 1996, and we're very proud of it. You can go there - mpsf.org. Basically what it says is we need to study systems and we're proud to say that there is a bill in Congress that passed the House of Representatives with only six descending votes, House Bill 663, which basically says you can do confidential reporting, have experts review it, give feedback to those involved without shame or blame, and disseminate the information. It doesn't restrict anybody's rights to file a suit or anything like that, but it encourages people to speak up and that's why it works in the aviation industry and we think it will work and we believe it will work and we have evidence it will work in medicine itself. We believe physicians are standing tall. We have physicians who didn't belong to the AMA, didn't belong to the state Medical Society and said, 'I'm a doctor - all I can do. I can't be involved in politics. I can't be involved in going out to rallies.' And you've had a big rally here, one of the largest rallies in the United States, concerned physicians doing what is allowed on the First Amendment - to petition government, to speak up on important issues. From those physicians as I've traveled, I've been to many rallies around the country and I was on the road 244 days last year, and I've drawn strength and inspiration as I hear their stories of how they try to continue to treat their patients under adverse conditions. I also draw strength from my hometown in New Orleans with the National D-Day Museum. The next time you have an opportunity to come there, I recommend you visit the National D-Day Museum. One exhibit is Pointe du Hoc, Omaha Beach. Half of the people killed on the beaches that day were killed at Omaha. Colonel Rudder who led the rangers up Pointe du Hoc was told right before the climb to abandon the mission, give up Omaha. We lose Omaha. He disregarded that. He said, 'I'm going to disregard your orders, sir. I'm getting the men up Pointe du Hoc.' They did it under the fire, the bloody fire that occurred. So we draw inspiration from that. So we believe that there's nothing that is insurmountable if we have courage. We believe that what you do is public service, and you have to decide who to listen to. You have to do it with a lot of pressures and we know that can be very stressful, so we don't minimize the task that you have and we applaud you for taking the time out from your other activities in your life, from your family, to do what you believe is best for the citizens of North Carolina.

"It is a privilege to be here and we stand ready, both the American Medical Association and the North Carolina Medical Society, to help in any way we can. I really do appreciate all of you for allowing me to be here today to represent the physicians and patients of America. Thank you very much. "

Upon motion of Senator Bingham, the President Pro Tempore, extends privileges of the floor to Mr. John Carson, managing editor of the Thomasville Times in Thomasville, North Carolina. Mr. Carson performs the part of Theodore Roosevelt as seen in the one-man production of "Bully: An Adventure with Teddy Roosevelt."

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. 1028 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES TO ESTABLISH A GENERAL PERMIT FOR THE CONSTRUCTION OF RIPRAP SILLS FOR WETLAND ENHANCEMENT AND SHORELINE PROTECTION IN ESTUARINE AND PUBLIC TRUST WATERS, 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 30395, which changes the title to read **H.B. 1028** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES TO ESTABLISH A GENERAL PERMIT FOR THE CONSTRUCTION OF RIPRAP SILLS FOR WETLAND ENHANCEMENT AND SHORELINE PROTECTION IN ESTUARINE AND PUBLIC TRUST WATERS, TO PROHIBIT THE CONSTRUCTION OF PERMANENT EROSION CONTROL STRUCTURES IN OCEAN HAZARD AREAS, AND TO PROVIDE THAT TEMPORARY EROSION CONTROL STRUCTURES IN OCEAN HAZARD AREAS SHALL BE LIMITED TO SANDBAGS, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 1062 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE COMMUNITY WATER SYSTEMS THAT REGULARLY SERVE ONE THOUSAND OR MORE SERVICE CONNECTIONS OR THREE THOUSAND OR MORE INDIVIDUALS TO PREPARE LOCAL WATER SUPPLY PLANS AND TO AUTHORIZE THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO MAKE DROUGHT DESIGNATIONS, 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 30397 is adopted and engrossed.

H.B. 974 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT STATE AGENCIES FROM PURCHASING RECONSTITUTED MILK, 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, 80338, which changes the title to read **H.B. 974** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE PURCHASE OF RECONSTITUTED OR RECOMBINED FLUID MILK BY ANY DEPARTMENT, INSTITUTION, OR AGENCY OF THE STATE, is adopted and engrossed.

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

H.B. 673 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

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ENABLE THE COUNTY OF AVERY TO ESTABLISH AN AVERY COUNTY FIRE COMMISSION, with a favorable report.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 24, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for HB 21, A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND TO AUTHORIZE THE USE OF HIGHWAY TRUST FUND FUNDS TO MATCH FEDERAL-AID HIGHWAY FUNDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO AUTHORIZE THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2003, AND TO EXTEND EXPIRING PROVISIONS OF LAW.

Respectfully,
S/Denise Weeks
Principal Clerk

S.B. 76 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF MISENHEIMER, for concurrence in the House Committee Substitute bill.

Referred to **Finance Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 698 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD THREE ADVISORY MEMBERS TO THE STATE BOARD OF EDUCATION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, June 25.

S.B. 936, A BILL TO BE ENTITLED AN ACT TO WAIVE VARIOUS DEADLINES, FEES, AND PENALTIES FOR DEPLOYED MILITARY PERSONNEL, for concurrence in House Amendment No. 1.

The bill is placed on the Calendar for tomorrow, Wednesday, June 25.

S.B. 1011 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT

TO ALLOW A LIENHOLDER TO REQUEST AN ACCOUNTING OF DISBURSEMENTS OF SUMS RECOVERED FOR PERSONAL INJURY WITH RESPECT TO LIENS IN FAVOR OF PROVIDERS OF HEALTH-RELATED GOODS AND SERVICES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, June 25.

CALENDAR (*continued*)

H.B. 1074 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE A STATUTE TO CREATE A BUTNER ADVISORY COUNCIL SO AS TO ELECT ALL MEMBERS AT LARGE IN ONE MULTISEAT RACE AND ELIMINATE STAGGERED TERMS; TO DEFINE THE ELECTORAL JURISDICTION OF THE COUNCIL AND THE JURISDICTION OF SPECIAL POLICE OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY; AND TO AMEND THE LEGISLATION IN OTHER NEEDED WAYS.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

H.B. 705 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE TOWN OF MATTHEWS ALL THE TERRITORY REMAINING IN ITS SPHERE OF INFLUENCE AND TO ANNEX CERTAIN PROPERTIES INTO THE TOWN OF WAXHAW, as amended on second reading, upon third reading.

The Senate 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Guley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: Senator Dorsett—1.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

S.B. 550 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPROVE AND STRENGTHEN CREMATION LAW IN NORTH CAROLINA AND TO IMPROVE AND MAKE TECHNICAL CORRECTIONS TO THE FUNERAL LAW.

The Committee Substitute bill No. 2 passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 945 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EXTENT TO WHICH A PROSPECTIVE APPLICANT FOR AN AIR QUALITY PERMIT FOR A NEW FACILITY MAY ENGAGE IN CONSTRUCTION PRIOR TO OBTAINING THE AIR QUALITY PERMIT AND

TO SPECIFY THE CIRCUMSTANCES UNDER WHICH A PERSON WHO HOLDS AN AIR QUALITY PERMIT MAY ALTER OR EXPAND THE FACILITY UPON GIVING NOTICE TO THE ENVIRONMENTAL MANAGEMENT COMMISSION AND THE PUBLIC OF THE PERMITTEE'S INTENT TO APPLY FOR MODIFICATION OF THE PERMIT.

The Committee Substitute bill No. 2 passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 76 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF MISENHEIMER, referred to the **Finance Committee** earlier today.

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 the Calendar for tomorrow, Wednesday, June 25, which motion prevails with unanimous consent.

The Chair orders the House Committee Substitute bill withdrawn from the **Finance Committee** and places it on the Calendar for tomorrow, Wednesday, June 25.

CALENDAR *(continued)*

H.B. 394 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING THE LAW PERTAINING TO LEGAL DEADLINES FALLING ON A HOLIDAY.

The Senate Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 421 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND MAKE TECHNICAL CORRECTIONS TO THE CHILD WELFARE LAWS AND TO ENHANCE THE STATE'S ABILITY TO PROTECT CHILDREN, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Thomas, the Senate concurs in the House Committee Substitute bill (50-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 521 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE REGULATION OF PYROTECHNIC DISPLAYS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (50-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 714 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT PUBLIC SCHOOL EMPLOYEES DO NOT LOSE PAY WHILE THEY ARE ON MILITARY DUTY, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill No. 2 (50-0) and the measure is ordered enrolled and sent to the Governor.

Upon motion of Senator Dannelly, seconded by Senator Forrester, the Senate adjourns at 4:22 P.M. subject to receipt of committee reports and messages from the House of Representatives, to meet tomorrow, Wednesday, June 25, at 2:00 P.M.

EIGHTY-FIFTH DAY

Senate Chamber
Wednesday, June 25, 2003

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 Dr. William E. Smith, Retired United Methodist Pastor and Educator, Pinehurst, North Carolina, as follows:

"Infinite God our Father, in whose image we are made, by whose love we are sustained, we pause at the beginning of this eighty-fifth legislative day of the Senate of the State of North Carolina to offer our thanks and to ask your blessings.

"There is so much history here, representing the genius of American democracy in which the will of the people is foremost and whose leaders are elected not to be served, but to serve and to seek Your will in all things, for it is You to whom we are ultimately responsible.

"There is a rich and awesome heritage here, some of it harsh, reminding us of the bitter struggle to achieve freedom and justice for all. Racism and poverty still persist and limited resources threaten to weaken, if not eliminate services essential to the well-being of our people. Hard choices await us.

"Yet, we give you thanks for progress made in education and industry, in scientific research, in the arts and athletics reflecting the enterprise and inventiveness of a diverse and gifted people. Here's to the land of the long leaf pine, the summer land where the sun doth shine, the Old North State.

"Solemnly we give thanks for brave young men and women who recently risked their lives in the cause of freedom. We pray that the uneasy peace achieved thus far may prevail and flourish that all may live with dignity and harmony as children of God.

"We ask your blessings upon this assembly, as they struggle with momentous issues. Grant them the wisdom and courage to seek unity rather than narrow partisanship, protection of the fragile planet entrusted to our care, and a compassionate concern for all who suffer. Above all, give us hope for a better tomorrow, and the assurance that while our tasks may seem at times overwhelming, there are at our disposal inexhaustible resources. 'For they that wait upon the Lord shall renew their strength, they shall mount up with wings like the eagles; they shall run and not be weary; they shall walk and not faint.' And to You, O Lord, we give thanks and praise now and evermore. Amen."

The Chair grants a leave of absence for today to Senator Garwood.

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Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, 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 Pro Tempore of the Senate extends courtesies of the floor to Dr. Charles O. Boyette from Belhaven, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 421, AN ACT TO CLARIFY AND MAKE TECHNICAL CORRECTIONS TO THE CHILD WELFARE LAWS AND TO ENHANCE THE STATE'S ABILITY TO PROTECT CHILDREN.

S.B. 521, AN ACT TO ENHANCE THE REGULATION OF PYROTECHNIC DISPLAYS.

S.B. 714, AN ACT TO ENSURE THAT PUBLIC SCHOOL EMPLOYEES DO NOT LOSE PAY WHILE THEY ARE ON MILITARY DUTY.

S.B. 775, AN ACT TO CONDITIONALLY REQUIRE INSURERS TO PROVIDE INFORMATION REGARDING POLICY LIMITS PRIOR TO LITIGATION WHEN REQUESTED IN WRITING BY THE PERSONS WHO HAVE CLAIMS, OTHER THAN MEDICAL MALPRACTICE CLAIMS, SUBJECT TO NONFLEET PRIVATE PASSENGER AUTOMOBILE INSURANCE POLICIES AND TO GIVE THESE INSURERS THE OPTION OF INITIATING PRELITIGATION MEDIATION OF THE CLAIMS.

H.B. 38, AN ACT TO SHORTEN THE PROBATIONARY PERIOD FOR CAREER TEACHERS WHEN THEY CHANGE SCHOOL SYSTEMS OR RETURN TO TEACHING AFTER LEAVING THE PROFESSION.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 70, AN ACT TO REPEAL A LOCAL ACT SO THAT THE GENERAL LAW ON DEFINITION OF A SUBDIVISION APPLIES IN PENDER COUNTY.

H.B. 516, AN ACT AUTHORIZING THE CITIES OF ROCKINGHAM AND STATESVILLE AND THE TOWN OF SMITHFIELD TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT.

H.B. 773, AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY.

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. 248, AN ACT ALLOWING THE CITY OF WILMINGTON TO DISCLOSE LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS. (Became law upon ratification, June 23, 2003–S.L. 2003-238.)

S.B. 706, AN ACT TO ALLOW A PUBLIC UNIVERSITY TO ADD BLEACHERS TO AN EXISTING SOFTBALL FIELD WITHOUT HAVING TO CONSTRUCT ADDITIONAL PLUMBING FACILITIES. (Became law without the approval of the Governor, June 24, 2003–S.L. 2003-239.)

S.B. 57, AN ACT TO ALLOW THE TOWNS OF CAROLINA BEACH, WRIGHTSVILLE BEACH, AND YADKINVILLE TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES. (Became law upon ratification, June 24, 2003–S.L. 2003-240.)

H.B. 163, AN ACT TO ALLOW THE CITY OF KINGS MOUNTAIN TO ANNEX CERTAIN PROPERTIES OWNED BY THE TOWN. (Became law upon ratification, June 24, 2003–S.L. 2003-241.)

H.B. 232, AN ACT TO INCORPORATE THE TOWN OF MILLS RIVER. (Became law upon ratification, June 24, 2003–S.L. 2003-242.)

H.B. 511, AN ACT TO EXEMPT CERTAIN TOWN-OWNED PROPERTIES OF THE TOWN OF ANDREWS FROM THE CEILING ON VOLUNTARY SATELLITE ANNEXATIONS. (Became law upon ratification, June 24, 2003–S.L. 2003-243.)

H.B. 725, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CITY OF CLAREMONT AND THE CITY OF CONOVER AND ANNEXING CERTAIN DESCRIBED PROPERTY TO THE CITY OF CLAREMONT. (Became law upon ratification, June 24, 2003–S.L. 2003-244.)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1213 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE DEFERRED DEPOSIT TRANSACTIONS AND TO PROVIDE ADDITIONAL CONSUMER DISCLOSURES AND PROTECTIONS.

Upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 1.

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REPORTS OF COMMITTEES

Bills and a resolution 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:**

H.B. 886 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF ARTICLE 1, CHAPTER 90 OF THE GENERAL STATUTES TO DESIGNATE ONE APPOINTMENT TO THE NORTH CAROLINA MEDICAL BOARD FOR A DOCTOR OF OSTEOPATHY OR A MEDICAL SCHOOL FACULTY MEMBER WHO UTILIZES INTEGRATIVE MEDICINE IN THEIR CLINICAL PRACTICE OR A MEMBER OF THE OLD NORTH STATE MEDICAL SOCIETY, TO ESTABLISH THE STANDARD OF PROOF FOR ANNULMENT, SUSPENSION, DENIAL OR REVOCATION OF A MEDICAL LICENSE IN THE CASE OF LACK OF PROFESSIONAL COMPETENCE, TO REQUIRE THE BOARD TO CONSULT WITH A LICENSEE WHO PRACTICES INTEGRATIVE MEDICINE PRIOR TO TAKING ACTION AGAINST ANY LICENSEE WHO PRACTICES INTEGRATIVE MEDICINE FOR PROVIDING CARE NOT IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR THE PROCEDURES OR TREATMENTS ADMINISTERED, TO SPECIFY THAT A LICENSEE MAY CALL WITNESSES WITH EXPERTISE IN THE SAME FIELD OF PRACTICE AS THE LICENSEE IN A PROCEEDING BEFORE THE MEDICAL BOARD AND TO SPECIFY THAT WITNESSES SHALL NOT BE RESTRICTED TO EXPERTS CERTIFIED BY THE AMERICAN BOARD OF MEDICAL SPECIALTIES, AND TO PROVIDE THAT STATEMENTS CONTAINED IN MEDICAL OR SCIENTIFIC LITERATURE SHALL BE COMPETENT EVIDENCE IN PROCEEDINGS HELD BEFORE THE BOARD, 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 60384, which changes the title to read **H.B. 886** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN PROVISIONS OF ARTICLE 1, CHAPTER 90 OF THE GENERAL STATUTES RELATING TO THE NORTH CAROLINA MEDICAL BOARD AND THE PRACTICE OF MEDICINE, is adopted and engrossed.

H.B. 1074 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE A STATUTE TO CREATE A BUTNER ADVISORY COUNCIL SO AS TO ELECT ALL MEMBERS AT LARGE IN ONE MULTISEAT RACE AND ELIMINATE STAGGERED TERMS; TO DEFINE THE ELECTORAL JURISDICTION OF THE COUNCIL AND THE JURISDICTION OF SPECIAL POLICE OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY; AND TO AMEND THE LEGISLATION IN OTHER NEEDED WAYS, 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, 80341, which changes the title to read **H.B. 1074** (Senate Committee Substitute No.

2), A BILL TO BE ENTITLED AN ACT TO REVISE A STATUTE TO CREATE A BUTNER ADVISORY COUNCIL SO AS TO ELECT ALL MEMBERS AT LARGE IN ONE MULTISEAT RACE AND ELIMINATE STAGGERED TERMS; TO DEFINE THE ELECTORAL JURISDICTION OF THE COUNCIL AND THE JURISDICTION OF SPECIAL POLICE OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY; TO AMEND THE LEGISLATION IN OTHER NEEDED WAYS; AND TO CORRECT THE BOUNDARY BETWEEN THE NASH-ROCKY MOUNT SCHOOL ADMINISTRATIVE UNIT AND THE EDGEcombe COUNTY PUBLIC SCHOOL SYSTEM, is adopted and engrossed.

Upon motion of Senator Rand, the Senate Committee Substitute bill No. 2 is referred to the **Finance Committee**.

S.J.R. 608, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF TIM MCLAURIN, 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 40065, which changes the title to read **S.J.R. 608** (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF TIMOTHY REESE MCLAURIN, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute joint resolution is placed on the Calendar for Thursday, July 3.

The Senate recesses at 2:30 P.M. for the purpose of a Finance Committee meeting to reconvene at 2:33 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 21 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND TO AUTHORIZE THE USE OF HIGHWAY TRUST FUND FUNDS TO MATCH FEDERAL-AID HIGHWAY FUNDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, TO AUTHORIZE THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2003, AND TO EXTEND EXPIRING PROVISIONS OF LAW.

Pursuant to the message from the House of Representatives received yesterday, Tuesday, June 24, that the House fails to concur in the Senate Committee Substitute bill for H.B. 21, the Deputy President *Pro Tempore* announces the appointment of Senator Dalton, Co-Chair; Senator Garrou, Co-Chair; and Senator Hagan, Co-Chair; and Senator Albertson; Senator Clodfelter; Senator Dannelly; Senator Gulley; Senator Hoyle; Senator Kerr; Senator Lucas; Senator Metcalf; Senator Purcell; Senator Rand; Senator Reeves; Senator Swindell; Senator Thomas; and Senator Weinstein, as conferees on the part of the Senate to resolve the differences arising between the two

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Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

(The House did not appoint Conferees and refused to accept the message from the Senate.)

CALENDAR (*continued*)

S.B. 925 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS TO PREVENT SECURITIES FRAUD AND TO CLARIFY THE PROHIBITION ON STATE CONTRACTS 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.

Upon motion of Senator Rand, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 1.

S.B. 293 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING SALES REPRESENTATIVE COMMISSIONS.

Upon motion of Senator Thomas, the House Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 1.

S.B. 847 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY LATE FEES CHARGED TO RESIDENTIAL TENANTS.

Upon motion of Senator Gulley, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 2.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 824 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES; TO AMEND THE REPORTING REQUIREMENT SET OUT IN S.L. 2001-442; TO EXTEND THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS INITIALLY ESTABLISHED BY SECTION 15.4 OF S.L. 1997-443; AND TO ESTABLISH AN EXCEPTION TO THE MORATORIUM INITIALLY ESTABLISHED BY SECTION 1.2 OF S.L. 1997-458 FOR FACILITIES THAT WERE APPROVED FOR FUNDING UNDER THE AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL AT THE TIME THE MORATORIUM WAS ESTABLISHED, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 26.

S.B. 995 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW FLEXIBILITY IN SCHOOL CONSTRUCTION AND REPAIR

CONTRACTS FOR THE WINSTON-SALEM/FORSYTH COUNTY SCHOOL SYSTEM, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 26.

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. 1074 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE A STATUTE TO CREATE A BUTNER ADVISORY COUNCIL SO AS TO ELECT ALL MEMBERS AT LARGE IN ONE MULTISEAT RACE AND ELIMINATE STAGGERED TERMS; TO DEFINE THE ELECTORAL JURISDICTION OF THE COUNCIL AND THE JURISDICTION OF SPECIAL POLICE OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY; TO AMEND THE LEGISLATION IN OTHER NEEDED WAYS; AND TO CORRECT THE BOUNDARY BETWEEN THE NASH-ROCKY MOUNT SCHOOL ADMINISTRATIVE UNIT AND THE EDGEcombe COUNTY PUBLIC SCHOOL SYSTEM, with a favorable report.

By Senator Kerr for the **Finance Committee**:

H.B. 948 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITIES OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND THE WILDLIFE RESOURCES COMMISSION WITH RESPECT TO THE REGULATION OF CERVIDS, with a favorable report.

H.B. 1118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE SIGNS TO BE POSTED WARNING OF THE POSSIBLE DANGERS OF CONSUMPTION OF ALCOHOL DURING PREGNANCY, with a favorable report.

H.B. 1129 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE SERVICE REQUIREMENTS TO CONFORM WITH RULE 4 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE, AND TO MAKE TECHNICAL AND OTHER CHANGES TO THE WAGE AND HOUR ACT AND THE PRIVATE PERSONNEL SERVICES ACT, with a favorable report.

CALENDAR *(continued)*

H.B. 673 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE THE COUNTY OF AVERY TO ESTABLISH AN AVERY COUNTY FIRE COMMISSION.

The Committee Substitute bill passes its second (49-0) and third readings and is

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ordered enrolled.

S.B. 76 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF MISENHEIMER, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Purcell, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the Affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaid, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Thursday, June 26, for concurrence upon third reading.

H.B. 974 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE PURCHASE OF RECONSTITUTED OR RECOMBINED FLUID MILK BY ANY DEPARTMENT, INSTITUTION, OR AGENCY OF THE STATE.

Upon motion of Senator Soles, the President *Pro Tempore*, orders, without objection, the Senate Committee Substitute bill No. 2 temporarily displaced.

H.B. 1062 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE COMMUNITY WATER SYSTEMS THAT REGULARLY SERVE ONE THOUSAND OR MORE SERVICE CONNECTIONS OR THREE THOUSAND OR MORE INDIVIDUALS TO PREPARE LOCAL WATER SUPPLY PLANS AND TO AUTHORIZE THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO MAKE DROUGHT DESIGNATIONS.

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. 1112 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS RELATED TO THE ENVIRONMENT AND ENVIRONMENTAL HEALTH TO (1) REMOVE OUTDATED LANGUAGE RELATED TO SANITATION OF FOOD AND LODGING FACILITIES, (2) TO CLARIFY WHAT CONSTITUTES A BASE OF OPERATIONS FOR MOBILE FOOD UNITS AND PUSHCARTS, AND (3) TO CLARIFY THE FREEBOARD REQUIREMENTS APPLICABLE TO LAGOONS THAT ARE COMPONENTS OF ANIMAL WASTE MANAGEMENT SYSTEMS.

Upon motion of Senator Albertson, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Agriculture/Environment/Natural Resources Committee**.

S.B. 698 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD THREE ADVISORY MEMBERS TO THE STATE BOARD OF EDUCATION, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Metcalf, the Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 936, A BILL TO BE ENTITLED AN ACT TO WAIVE VARIOUS DEADLINES, FEES, AND PENALTIES FOR DEPLOYED MILITARY PERSONNEL, for concurrence in House Amendment No. 1.

Upon motion of Senator Kerr, the Senate concurs in House Amendment No. 1 (49-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 1011 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A LIENHOLDER TO REQUEST AN ACCOUNTING OF DISBURSEMENTS OF SUMS RECOVERED FOR PERSONAL INJURY WITH RESPECT TO LIENS IN FAVOR OF PROVIDERS OF HEALTH-RELATED GOODS AND SERVICES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Berger, the Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled and sent to the Governor.

H.B. 974 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE PURCHASE OF RECONSTITUTED OR RECOMBINED FLUID MILK BY ANY DEPARTMENT, INSTITUTION, OR AGENCY OF THE STATE, temporarily displaced earlier today.

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 tomorrow, Thursday, June 26.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives
June 25, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for HB 147, A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN A PEDESTRIAN HAS THE RIGHT-OF-WAY, TO INCREASE THE PENALTY AND DRIVERS LICENSE POINTS ASSESSED FOR FAILING TO YIELD THE RIGHT-OF-WAY TO A PEDESTRIAN; AND TO STUDY PEDESTRIAN ACCIDENTS WHERE VEHICLES ARE TURNING RIGHT AT A RED LIGHT, and requests conferees.

Speaker Morgan has appointed:

Representative Gulley, Chair
Representative Stam
Representative Goodwin
Representative Kiser
Representative Gorman, and
Representative Culpepper

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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
June 25, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for HB 786, A BILL TO BE ENTITLED AN ACT TO AMEND LIABILITY RULES THAT APPLY TO CIVIL PARKING AND RED LIGHT CAMERA ENFORCEMENT ACTIONS, and requests conferees.

Speaker Morgan has appointed:

Representative Culpepper, Chair
Representative Goodwin
Representative Munford, and
Representative C. Wilson

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

Upon motion of Senator Dannelly, seconded by Senator Metcalf, the Senate adjourns at 3:20 P.M. subject to receipt of committee reports and messages from the House of Representatives, to meet tomorrow, Thursday, June 26, at 10:00 A.M.

EIGHTY-SIXTH DAY

Senate Chamber
Thursday, June 26, 2003

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, weary of their captivity in Babylon and desiring to return to Jerusalem, the Israelites prayed to You for help.

"Your response to their prayer, O God, is appropriate also for the members of the Legislature this morning as they try to build a resolution to the budget situation. Remove every stumbling block and obstacle from their path. Build the road and make it ready. Amen."

The Chair grants a leave of absence for today to Senator Garwood.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, 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.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 698, AN ACT TO ADD THREE ADVISORY MEMBERS TO THE STATE BOARD OF EDUCATION.

S.B. 936, AN ACT TO WAIVE VARIOUS DEADLINES, FEES, AND PENALTIES FOR DEPLOYED MILITARY PERSONNEL.

S.B. 1011, AN ACT TO ALLOW A LIENHOLDER TO REQUEST AN ACCOUNTING OF DISBURSEMENTS OF SUMS RECOVERED FOR PERSONAL INJURY WITH RESPECT TO LIENS IN FAVOR OF PROVIDERS OF HEALTH-RELATED GOODS AND SERVICES.

H.B. 994, AN ACT ALLOWING THE STATE, COUNTIES, AND CITIES TO CONSTRUCT PRE-ENGINEERED STRUCTURES WITHOUT HAVING THE PLANS AND SPECIFICATIONS FOR THE STRUCTURES REVIEWED BY A REGISTERED ARCHITECT OR ENGINEER.

H.B. 1120, AN ACT TO PERMIT THE APPOINTMENT OF CERTAIN HIGH SCHOOL STUDENTS AS STUDENT ELECTION ASSISTANTS AND TO MAKE OTHER CHANGES TO THE ELECTION LAWS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 469, AN ACT TO AUTHORIZE COLUMBUS, DAVIE, DUPLIN, AND LENOIR COUNTIES, CERTAIN DISTRICTS CREATED BY THESE COUNTIES, AND MUNICIPALITIES LOCATED WITHIN THESE COUNTIES TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES.

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H.B. 597, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS AND FROM THE CORPORATE LIMITS OF THE CITY OF LUMBERTON.

H.B. 673, AN ACT TO ENABLE THE COUNTY OF AVERY TO ESTABLISH AN AVERY COUNTY FIRE 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. 70, AN ACT TO REPEAL A LOCAL ACT SO THAT THE GENERAL LAW ON DEFINITION OF A SUBDIVISION APPLIES IN PENDER COUNTY. (Became law upon ratification, June 25, 2003–S.L. 2003-245.)

H.B. 516, AN ACT AUTHORIZING THE CITIES OF ROCKINGHAM AND STATESVILLE AND THE TOWN OF SMITHFIELD TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT. (Became law upon ratification, June 25, 2003–S.L. 2003-246.)

H.B. 773, AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO REQUIRE SPRINKLERS IN BARS, CLUBS, AND OTHER SIMILAR PLACES OF PUBLIC ASSEMBLY. (Became law upon ratification, June 25, 2003–S.L. 2003-247.)

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 Jenkins, Moore, Horton; Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hargett, Hartsell, Holloman, Hoyle, Kerr, Kinnaird, Lucas, Malone, Metcalf, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein:

S.J.R. 1028, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROBERT LAFAYETTE "BOB" MARTIN, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Referred to **Rules and Operations of the Senate 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 Kerr for the **Finance Committee**:

S.B. 453, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY

OF UNION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65333, which changes the title to read **S.B. 453** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE MONROE OCCUPANCY TAX AND TO AUTHORIZE UNION COUNTY TO LEVY A ROOM OCCUPANCY TAX AND TOURISM DEVELOPMENT TAX, is adopted and engrossed.

H.B. 855 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES FOR BLUE RIDGE PARKWAY FOUNDATION, SURVEYORS, RETIRED LAW ENFORCEMENT OFFICERS, ALTERNATIVE FUEL VEHICLES, ZETA PHI BETA SORORITY, BREAST CANCER AWARENESS, AND MOTHERS AGAINST DRUNK DRIVING, 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 45171, which changes the title to read **H.B. 855** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR A SPECIAL REGISTRATION PLATE AND TO CREDIT THE INCREASED FEE REVENUE TO THE NATURAL HERITAGE TRUST FUND AND THE PARKS AND RECREATION TRUST FUND, TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE NUMBER OF SPECIAL REGISTRATION PLATES THAT HAVE NOT RECEIVED THE MINIMUM NUMBER OF APPLICATIONS WITHIN THREE YEARS OF THEIR AUTHORIZATION AND ALTERNATIVE METHODS OF IDENTIFYING NORTH CAROLINA REGISTRATION PLATES, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: ALTERNATIVE FUEL VEHICLES, BE ACTIVE NC, BLUE RIDGE PARKWAY FOUNDATION, BREAST CANCER AWARENESS, BUFFALO SOLDIERS, CELEBRATE ADOPTION, CRYSTAL COAST ARTIFICIAL REEF ASSOCIATION, DELTA SIGMA THETA SORORITY, FRIENDS OF THE APPALACHIAN TRAIL, MOTHERS AGAINST DRUNK DRIVING, POW/MIA, RED HAT SOCIETY, RETIRED LAW ENFORCEMENT OFFICERS, SURVEYORS, AND ZETA PHI BETA SORORITY, is adopted and engrossed.

H.B. 1294 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE QUALIFIED BUSINESS INVESTMENTS TAX CREDIT, 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 80342, which changes the title to read **H.B. 1294** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE QUALIFIED BUSINESS INVESTMENTS TAX CREDIT AND TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT, is adopted and engrossed.

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CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 948 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITIES OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND THE WILDLIFE RESOURCES COMMISSION WITH RESPECT TO THE REGULATION OF CERVIDS.

Upon motion of Senator Kerr, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 1, upon second reading.

H.B. 886 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN PROVISIONS OF ARTICLE 1, CHAPTER 90 OF THE GENERAL STATUTES RELATING TO THE NORTH CAROLINA MEDICAL BOARD AND THE PRACTICE OF MEDICINE.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Friday, June 27.

H.B. 974 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE PURCHASE OF RECONSTITUTED OR RECOMBINED FLUID MILK BY ANY DEPARTMENT, INSTITUTION, OR AGENCY OF THE STATE.

Upon motion of Senator Albertson, the Senate Committee Substitute bill No. 2 is withdrawn from today's Calendar and is re-referred to the **Agriculture/Environment/Natural Resources Committee**.

S.B. 76 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF MISENHEIMER, for concurrence in the House Committee Substitute bill upon third reading.

Upon motion of Senator Purcell, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the Affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaid, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

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 Reeves for the **Information Technology Committee**:

H.B. 1194 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE "E-NC" AUTHORITY TO CONTINUE THE WORK OF THE RURAL INTERNET ACCESS AUTHORITY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30398 is adopted and engrossed.

CALENDAR (*continued*)

S.B. 995 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW FLEXIBILITY IN SCHOOL CONSTRUCTION AND REPAIR CONTRACTS FOR THE WINSTON-SALEM/FORSYTH COUNTY SCHOOL SYSTEM, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Garrou, the Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled.

H.B. 1074 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE A STATUTE TO CREATE A BUTNER ADVISORY COUNCIL SO AS TO ELECT ALL MEMBERS AT LARGE IN ONE MULTISEAT RACE AND ELIMINATE STAGGERED TERMS; TO DEFINE THE ELECTORAL JURISDICTION OF THE COUNCIL AND THE JURISDICTION OF SPECIAL POLICE OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY; TO AMEND THE LEGISLATION IN OTHER NEEDED WAYS; AND TO CORRECT THE BOUNDARY BETWEEN THE NASH-ROCKY MOUNT SCHOOL ADMINISTRATIVE UNIT AND THE EDGEcombe COUNTY PUBLIC SCHOOL SYSTEM, upon second reading.

The Senate Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the Affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

Upon motion of Senator Swindell, the Senate Committee Substitute bill No. 2 is placed on the Calendar for Monday, June 30, upon third reading.

H.B. 1118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE SIGNS TO BE POSTED WARNING OF THE POSSIBLE DANGERS OF CONSUMPTION OF ALCOHOL DURING PREGNANCY, 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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell,

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Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—49.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Friday, June 27, upon third reading.

H.B. 1129 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE SERVICE REQUIREMENTS TO CONFORM WITH RULE 4 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE, AND TO MAKE TECHNICAL AND OTHER CHANGES TO THE WAGE AND HOUR ACT AND THE PRIVATE PERSONNEL SERVICES ACT.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor by special message.

S.B. 824 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES; TO AMEND THE REPORTING REQUIREMENT SET OUT IN S.L. 2001-442; TO EXTEND THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS INITIALLY ESTABLISHED BY SECTION 15.4 OF S.L. 1997-443; AND TO ESTABLISH AN EXCEPTION TO THE MORATORIUM INITIALLY ESTABLISHED BY SECTION 1.2 OF S.L. 1997-458 FOR FACILITIES THAT WERE APPROVED FOR FUNDING UNDER THE AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL AT THE TIME THE MORATORIUM WAS ESTABLISHED, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Albertson, the Senate fails to concur in the House Committee Substitute bill (0-49).

Senator Albertson offers a motion that the Senate appoint conferees, which motion prevails.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 824 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES; TO AMEND THE REPORTING REQUIREMENT SET OUT IN S.L. 2001-442; TO EXTEND THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS INITIALLY ESTABLISHED BY SECTION 15.4 OF S.L. 1997-443; AND TO ESTABLISH AN EXCEPTION TO THE MORATORIUM INITIALLY ESTABLISHED BY SECTION 1.2 OF S.L. 1997-458 FOR FACILITIES THAT WERE APPROVED FOR FUNDING UNDER THE AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL AT THE TIME THE MORATORIUM WAS ESTABLISHED.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 824 earlier today and the motion by Senator Albertson to appoint

conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Albertson, Chair, and Senator Soles and Senator Hartsell 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.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 119 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE TAX CREDITS FOR HISTORIC REHABILITATION BY EXTENDING THE SUNSET ON A PROVISION ALLOWING A PASS-THROUGH ENTITY TO ALLOCATE AMONG ITS OWNERS THE TAX CREDIT FOR INCOME-PRODUCING STRUCTURES AND INCREASING THE AMOUNT THAT MAY BE ALLOCATED TO AN OWNER UNDER THIS PROVISION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Friday, June 27.

S.B. 876 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PHYSICIANS WHO DISPENSE THE CONTROLLED SUBSTANCE BUPRENORPHINE FOR THE TREATMENT OF OPIATE DEPENDENCE TO REGISTER WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Friday, June 27.

S.B. 919 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE SAFETY OF VICTIMS IN SERIOUS DOMESTIC VIOLENCE CASES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Friday, June 27.

H.B. 1257 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING VARIOUS PROVISIONS UNDER THE RESPIRATORY CARE PRACTICE ACT, AUTHORIZING THE NORTH CAROLINA RESPIRATORY CARE BOARD TO ESTABLISH FEES FOR VERIFICATION OF LICENSURE STATUS AND APPROVAL OF CONTINUING EDUCATION PROGRAMS, AUTHORIZING THE BOARD TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE ACT, AND AUTHORIZING ADJUSTMENTS IN FEES FOR BOARDS TO REFLECT CHANGES IN THE CONSUMER PRICE INDEX.

Referred to the **Health and Human Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

Upon motion of Senator Dannelly, seconded by Senator Foxx, the Senate adjourns subject to receipt of messages from the House of Representatives, committee reports, and ratification of bills, to meet tomorrow, Friday, June 27, at 10:00 A.M.

June 26, 2003

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. 76, AN ACT TO INCORPORATE THE VILLAGE OF MISENHEIMER.

S.B. 995, AN ACT TO ALLOW FLEXIBILITY IN SCHOOL CONSTRUCTION AND REPAIR CONTRACTS FOR THE WINSTON-SALEM/FORSYTH COUNTY SCHOOL SYSTEM.

H.B. 705, AN ACT TO ANNEX TO THE TOWN OF MATTHEWS ALL THE TERRITORY REMAINING IN ITS SPHERE OF INFLUENCE AND TO ANNEX CERTAIN PROPERTIES INTO THE TOWN OF WAXHAW.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 497 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF MOUNT AIRY, TO ANNEX CERTAIN DESCRIBED PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF MOUNT AIRY, TO MODIFY THE CITY OF MOUNT AIRY OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE THE TOWN OF BLOWING ROCK TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, for concurrence in the House Committee Substitute bill.

Referred to **Finance Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 774 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DUTIES OF OPERATORS OF SKATEBOARD PARKS, TO ESTABLISH THE DUTIES OF PERSONS WHO ENGAGE IN CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES, AND TO LIMIT THE LIABILITY OF GOVERNMENTAL ENTITIES FOR DAMAGE OR INJURIES THAT ARISE OUT OF A PERSON'S PARTICIPATION IN CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES AND THAT OCCUR IN AN AREA DESIGNATED FOR CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Friday, June 27.

H.B. 79 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A DNA SAMPLE BE TAKEN FROM ANY PERSON CONVICTED OF ANY FELONY OR CERTAIN OTHER CRIMINAL OFFENSES

OR WHO IS FOUND NOT GUILTY BY REASON OF INSANITY OF ANY FELONY OR CERTAIN OTHER CRIMINAL OFFENSES, TO CLARIFY WHEN THAT SAMPLE IS TAKEN, AND TO RESTRICT THE RELEASE OF INFORMATION FROM THE DNA DATABASE.

Referred to **Judiciary I Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 26, 2003

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for SB 824, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES; TO AMEND THE REPORTING REQUIREMENT SET OUT IN S.L. 2001-442; TO EXTEND THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS INITIALLY ESTABLISHED BY SECTION 15.4 OF S.L. 1997-443; AND TO ESTABLISH AN EXCEPTION TO THE MORATORIUM INITIALLY ESTABLISHED BY SECTION 1.2 OF S.L. 1997-458 FOR FACILITIES THAT WERE APPROVED FOR FUNDING UNDER THE AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL AT THE TIME THE MORATORIUM WAS ESTABLISHED, and requests conferees, Speaker Morgan appoints:

Representative Gibson, Chair
Representative LaRoque, and
Representative McComas

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise Weeks
Principal Clerk

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 26, 2003

By Senator Kerr for the **Finance Committee**:

H.B. 1006 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT GREATER CONSUMER PROTECTION TO RESIDENTS OF MANUFACTURED HOUSING IN NORTH CAROLINA, 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 60386, which changes the title to read **H.B. 1006** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT GREATER CONSUMER PROTECTION TO RESIDENTS OF MANUFACTURED HOUSING IN NORTH CAROLINA, TO CLARIFY THE SALES TAX ON MODULAR HOMES, AND TO ESTABLISH MINIMUM CONSTRUCTION AND DESIGN STANDARDS FOR SINGLE-FAMILY MODULAR HOMES, is adopted and engrossed.

CONFERENCE REPORT

Senator Purcell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 152** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CHILD CARE FACILITIES TO DEVELOP AND MAINTAIN A SAFE SLEEP POLICY THAT INCLUDES REQUIRING CAREGIVERS TO PLACE CHILDREN ON THEIR BACK TO SLEEP TO REDUCE THE RISK OF SUDDEN INFANT DEATH SYNDROME (SIDS), AND TO REQUIRE CERTAIN AGENCIES AND THE MEDICAL COMMUNITY TO COOPERATE IN INVESTIGATING REPORTS OF CHILD ABUSE AND NEGLECT IN CHILD CARE FACILITIES, 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 152, A BILL TO BE ENTITLED AN ACT TO REQUIRE CHILD CARE FACILITIES TO DEVELOP AND MAINTAIN A SAFE SLEEP POLICY THAT INCLUDES REQUIRING CAREGIVERS TO PLACE CHILDREN ON THEIR BACK TO SLEEP TO REDUCE THE RISK OF SUDDEN INFANT DEATH SYNDROME (SIDS), AND TO REQUIRE CERTAIN AGENCIES AND THE MEDICAL COMMUNITY TO COOPERATE IN INVESTIGATING REPORTS OF CHILD ABUSE AND NEGLECT IN CHILD CARE FACILITIES, Senate Health & Human Resources Committee Substitute Adopted 6/5/03, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Health & Human Resources Committee Substitute Adopted 6/5/03, 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 H152-PCCS30399-SU-2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 26, 2003.

Conferees for the Senate

S/William R. Purcell, Chair
S/James S. Forrester
S/Kay R. Hagan

Conferees for the
House of Representatives

S/Martha Bedell Alexander, Chair
S/Howard Hunter, Jr.
S/Jennifer Weiss
S/Jeffrey L. Barnhart
S/John Rayfield
S/Jean R. Preston

The text of the attached Proposed Conference Committee Substitute H152-PCCS30399-SU-2 is as follows:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE CHILD CARE FACILITIES TO DEVELOP AND MAINTAIN A SAFE SLEEP POLICY THAT INCLUDES REQUIRING CAREGIVERS TO PLACE CHILDREN ON THEIR BACK TO SLEEP TO REDUCE THE RISK OF SUDDEN INFANT DEATH SYNDROME (SIDS), AND TO REQUIRE CERTAIN AGENCIES AND THE MEDICAL COMMUNITY TO COOPERATE IN INVESTIGATING REPORTS OF CHILD ABUSE AND NEGLECT IN CHILD CARE FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 110-91 is amended by adding a new subdivision to read:

"§ 110-91. **Mandatory standards for a license.**

All child care facilities shall comply with all State laws and federal laws and local ordinances that pertain to child health, safety, and welfare. Except as otherwise provided in this Article, the standards in this section shall be complied with by all child care facilities. However, none of the standards in this section apply to the school-age children of the operator of a child care facility but do apply to the preschool-age children of the operator. Children 13 years of age or older may receive child care on a voluntary basis provided all applicable required standards are met. The standards in this section, along with any other applicable State laws and federal laws or local ordinances, shall be the required standards for the issuance of a license by the Secretary under the policies and procedures of the Commission except that the Commission may, in its discretion, adopt less stringent standards for the licensing of facilities which provide care on a temporary, part-time, drop-in, seasonal, after-school or other than a full-time basis.

...

(15) Safe Sleep Policy. – Operators of child care facilities that care for children ages 12 months or younger shall develop and maintain a written safe sleep policy, in accordance with rules adopted by the Commission. The safe sleep policy shall address maintaining a safe sleep environment and shall include the following requirements:

a. A caregiver in a child care facility shall place a child age 12

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months or younger on the child's back for sleeping, unless: (i) for a child age 6 months or younger, the operator of the child care facility obtains a written waiver of this requirement from a health care provider as defined in G.S. 58-50-61(a)(8); or (ii) for a child older than 6 months, the operator of the child care facility obtains a written waiver of this requirement from a health care provider as defined in G.S. 58-50-61(a)(8), a parent, or a legal guardian.

- b. The operator of the child care facility shall discuss the safe sleep policy with the child's parent or guardian before the child is enrolled in the child care facility. The child's parent or guardian shall sign a statement attesting that the parent or guardian received a copy of the safe sleep policy and that the policy was discussed with the parent or guardian before the child's enrollment.
- c. Any caregiver responsible for the care of children ages 12 months or younger shall receive training in safe sleep practices."

SECTION 2. G.S. 110-105.2(a) reads as rewritten:

"(a) For purposes of this Article, child abuse and neglect, as defined in G.S. 7B-101 and in G.S. 14-318.2 and G.S. 14-318.4, occurring in child care facilities, are violations of the licensure standards and of the licensure law. The Department, local departments of social services, and local law enforcement personnel shall cooperate with the medical community to ensure that reports of child abuse or neglect in child care facilities are properly investigated."

SECTION 3. This act becomes effective December 1, 2003.

The Conference Report is ordered placed on the Calendar for June 27.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 4:41 P.M.

EIGHTY-SEVENTH DAY

Senate Chamber
Friday, June 27, 2003

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, when You are working along side of us, seemingly impossible tasks are transformed into difficult tasks and then to our great surprise and relief, finished tasks.

"All things are possible through You, O God. May that reality be a source of encouragement to the members of the Senate this day. Amen."

The Chair grants leaves of absence for today to Senator Albertson, Senator Allran, Senator Ballantine, Senator Bingham, Senator Blake, Senator Carrington, Senator Dorsett, Senator Forrester, Senator Garwood, Senator Jenkins, Senator Kinnaird, Senator Moore, Senator Rucho, Senator Smith and Senator Tillman.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Thursday, 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.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 1129, AN ACT TO REVISE SERVICE REQUIREMENTS TO CONFORM WITH RULE 4 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE, AND TO MAKE TECHNICAL AND OTHER CHANGES TO THE WAGE AND HOUR ACT AND THE PRIVATE PERSONNEL SERVICES ACT.

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. 818, AN ACT TO PROVIDE FOR THE SAFEKEEPING OF MILITARY DISCHARGE DOCUMENTS AND TO PREVENT DISCLOSURE TO UNAUTHORIZED PARTIES. (Became law upon approval of the Governor, June 26, 2003–S.L. 2003-248.)

S.B. 694, AN ACT TO PROVIDE IN THE SAME MANNER AS FEDERAL LAW THAT A CONTROLLED SUBSTANCE ANALOGUE SHALL, TO THE EXTENT INTENDED FOR HUMAN CONSUMPTION, BE TREATED AS A CONTROLLED SUBSTANCE IN SCHEDULE I OF THE NORTH CAROLINA CONTROLLED SUBSTANCES ACT. (Became law upon approval of the Governor, June 26, 2003–S.L. 2003-249.)

S.B. 450, AN ACT TO PROVIDE FOR THE RELEASE OR REFUND OF CERTAIN PROPERTY TAXES. (Became law upon approval of the Governor, June 26, 2003–S.L. 2003-250.)

H.B. 601, AN ACT TO ENCOURAGE EARLY ENTRY OF MOTIVATED STUDENTS INTO FOUR-YEAR COLLEGE PROGRAMS. (Became law upon approval of the Governor, June 26, 2003–S.L. 2003-251.)

S.B. 912, AN ACT TO CREATE THE OFFENSE OF SEXUAL BATTERY. (Became law upon approval of the Governor, June 26, 2003–S.L. 2003-252.)

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S.B. 503, AN ACT TO UPDATE THE LAWS RELATING TO THE ATTENDANCE AGES AND ELIGIBILITY OF STUDENTS FOR NORTH CAROLINA SCHOOLS FOR THE DEAF. (Became law upon approval of the Governor, June 26, 2003–S.L. 2003-253.)

S.B. 777, AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW WITH REGARD TO THE MANUFACTURE, SALE, AND DISTRIBUTION OF TRAILERS AND SEMITRAILERS. (Became law upon approval of the Governor, June 26, 2003–S.L. 2003-254.)

S.B. 502, AN ACT TO AUTHORIZE A DEPUTY TO GAIN ACCESS TO THE CONTENTS OF A DECEDENT'S SAFE-DEPOSIT BOX. (Became law upon approval of the Governor, June 26, 2003–S.L. 2003-255.)

S.B. 232, AN ACT TO CLARIFY THE AUTHORITY TO FUND THE ESTABLISHMENT OF BIKEWAYS AND TRAILS. (Became law upon approval of the Governor, June 26, 2003–S.L. 2003-256.)

H.B. 1032, AN ACT REQUIRING LOCAL BOARDS OF EDUCATION TO GIVE PREFERENCE IN PURCHASING CONTRACTS TO HIGH-CALCIUM FOODS AND BEVERAGES. (Became law upon approval of the Governor, June 26, 2003–S.L. 2003-257.)

S.B. 558, AN ACT TO PROTECT CONSUMERS AND TRANSFERORS OF MOTOR VEHICLES UNAWARE OF PRIOR DAMAGE OR WHEN PRIOR DAMAGE WAS MINOR. (Became law upon approval of the Governor, June 26, 2003–S.L. 2003-258.)

S.B. 652, AN ACT TO AUTHORIZE CERTAIN AIRPORT AUTHORITIES TO ENTER INTO INSTALLMENT CONTRACTS, TO EXTEND FROM TEN TO FIFTEEN YEARS THE MAXIMUM REPAYMENT PERIOD FOR DAM REPAIR ASSESSMENTS IN THE VILLAGE OF PINEHURST, AND TO ALLOW THE STANLY COUNTY AIRPORT AUTHORITY TO ENTER INTO LONG-TERM LEASES WITH THE UNITED STATES. (Became law upon approval of the Governor, June 26, 2003–S.L. 2003-259.)

H.B. 745, AN ACT TO REVISE THE MEMBERSHIP OF THE NORTH CAROLINA INDIAN CULTURAL CENTER BOARD. (Became law upon approval of the Governor, June 26, 2003–S.L. 2003-260.)

H.B. 656, AN ACT TO AMEND THE TRUST ADMINISTRATION ACT AND TO MAKE RELATED CHANGES TO THE LAW GOVERNING ACCOUNTINGS IN TESTAMENTARY TRUSTS. (Became law upon approval of the Governor, June 26, 2003–S.L. 2003-261.)

S.B. 966, AN ACT TO REQUIRE INSURERS TO IMPLEMENT SAFEGUARDS FOR THE PROTECTION OF CUSTOMER INFORMATION, PURSUANT TO THE PROVISIONS OF THE GRAMM-LEACH-BLILEY ACT. (Became law upon approval of the Governor, June 26, 2003–S.L. 2003-262.)

H.B. 1221, AN ACT REQUIRING THE RETURN OF OVERPAYMENTS OF STATE FUNDS BY PERSONS IN STATE-SUPPORTED POSITIONS. (Became law upon approval of the Governor, June 26, 2003–S.L. 2003-263.)

S.B. 511, AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PUBLISH THE REVENUE-NEUTRAL TAX RATE IN YEARS WHEN THERE IS A GENERAL REVALUATION OF REAL PROPERTY. (Became law upon approval of the Governor, June 26, 2003–S.L. 2003-264.)

H.B. 692, AN ACT TO PROVIDE THAT LICENSED AUCTIONEERS CONDUCTING AUCTIONS FOR MOTOR VEHICLE DEALERS DO NOT NEED MOTOR VEHICLE DEALER LICENSES. (Became law upon approval of the Governor, June 26, 2003–S.L. 2003-265.)

S.B. 593, AN ACT TO EXTEND THE MORATORIA ON CONSTRUCTION OR EXPANSION OF SWINE FARMS. (Became law upon approval of the Governor, June 26, 2003–S.L. 2003-266.)

H.B. 824, AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT ENCROACHMENT ON ITS RIGHTS-OF-WAY FOR THE CONSTRUCTION OF PRIVATE BRIDGES. (Became law upon approval of the Governor, June 26, 2003–S.L. 2003-267.)

S.B. 76, AN ACT TO INCORPORATE THE VILLAGE OF MISENHEIMER. (Became law upon ratification, June 26, 2003–S.L. 2003-268.)

S.B. 995, AN ACT TO ALLOW FLEXIBILITY IN SCHOOL CONSTRUCTION AND REPAIR CONTRACTS FOR THE WINSTON-SALEM/FORSYTH COUNTY SCHOOL SYSTEM. (Became law upon ratification, June 26, 2003–S.L. 2003-269.)

H.B. 469, AN ACT TO AUTHORIZE COLUMBUS, DAVIE, DUPLIN, AND LENOIR COUNTIES, CERTAIN DISTRICTS CREATED BY THESE COUNTIES, AND MUNICIPALITIES LOCATED WITHIN THESE COUNTIES TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES. (Became law upon ratification, June 26, 2003–S.L. 2003-270.)

H.B. 597, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS AND FROM THE CORPORATE LIMITS OF THE CITY OF LUMBERTON. (Became law upon ratification, June 26, 2003–S.L. 2003-271.)

H.B. 673, AN ACT TO ENABLE THE COUNTY OF AVERY TO ESTABLISH AN AVERY COUNTY FIRE COMMISSION. (Became law upon ratification, June 26, 2003–S.L. 2003-272.)

H.B. 705, AN ACT TO ANNEX TO THE TOWN OF MATTHEWS ALL THE TERRITORY REMAINING IN ITS SPHERE OF INFLUENCE AND TO ANNEX CERTAIN PROPERTIES INTO THE TOWN OF WAXHAW. (Became law upon ratification, June 26, 2003–S.L. 2003-273.)

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H.B. 787, AN ACT TO ESTABLISH EQUITY IN REPORTING REQUIREMENTS BETWEEN FEDERAL POLITICAL COMMITTEES AND NORTH CAROLINA POLITICAL COMMITTEES. (Became law upon approval of the Governor, June 26, 2003–S.L. 2003-274.)

H.B. 801, AN ACT TO MODIFY THE STATE COMPETENCY TESTING PROGRAM TO ENSURE THAT HIGH SCHOOL STUDENTS WHO DO NOT PASS THE COMPETENCY TEST ARE GIVEN AN OPPORTUNITY TO TAKE AN ALTERNATIVE TEST. (Became law upon approval of the Governor, June 26, 2003–S.L. 2003-275.)

H.B. 785, AN ACT TO REWRITE RULE 45 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE. (Became law upon approval of the Governor, June 26, 2003–S.L. 2003-276.)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.J.R. 53, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF VERNON GRANT JAMES, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Referred to **Rules and Operations of the Senate Committee**.

WITHDRAWAL FROM CALENDAR

Without objection, upon motion of Senator Rand, all bills on today's Calendar are withdrawn from today's Calendar and placed on the Calendar for Tuesday, July 1.

S.B. 453 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE MONROE OCCUPANCY TAX AND TO AUTHORIZE UNION COUNTY TO LEVY A ROOM OCCUPANCY TAX AND TOURISM DEVELOPMENT TAX.

H.B. 1118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE SIGNS TO BE POSTED WARNING OF THE POSSIBLE DANGERS OF CONSUMPTION OF ALCOHOL DURING PREGNANCY.

H.B. 1006 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT GREATER CONSUMER PROTECTION TO RESIDENTS OF MANUFACTURED HOUSING IN NORTH CAROLINA, TO CLARIFY THE SALES TAX ON MODULAR HOMES, AND TO ESTABLISH MINIMUM CONSTRUCTION AND DESIGN STANDARDS FOR SINGLE-FAMILY MODULAR HOMES.

H.B. 855 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR A SPECIAL REGISTRATION PLATE AND TO CREDIT THE INCREASED FEE REVENUE TO THE NATURAL HERITAGE TRUST FUND AND THE PARKS AND RECREATION TRUST FUND, TO

REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE NUMBER OF SPECIAL REGISTRATION PLATES THAT HAVE NOT RECEIVED THE MINIMUM NUMBER OF APPLICATIONS WITHIN THREE YEARS OF THEIR AUTHORIZATION AND ALTERNATIVE METHODS OF IDENTIFYING NORTH CAROLINA REGISTRATION PLATES, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: ALTERNATIVE FUEL VEHICLES, BE ACTIVE NC, BLUE RIDGE PARKWAY FOUNDATION, BREAST CANCER AWARENESS, BUFFALO SOLDIERS, CELEBRATE ADOPTION, CRYSTAL COAST ARTIFICIAL REEF ASSOCIATION, DELTA SIGMA THETA SORORITY, FRIENDS OF THE APPALACHIAN TRAIL, MOTHERS AGAINST DRUNK DRIVING, POW/MIA, RED HAT SOCIETY, RETIRED LAW ENFORCEMENT OFFICERS, SURVEYORS, AND ZETA PHI BETA SORORITY.

H.B. 886 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN PROVISIONS OF ARTICLE 1, CHAPTER 90 OF THE GENERAL STATUTES RELATING TO THE NORTH CAROLINA MEDICAL BOARD AND THE PRACTICE OF MEDICINE.

H.B. 1194 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE "E-NC" AUTHORITY TO CONTINUE THE WORK OF THE RURAL INTERNET ACCESS AUTHORITY.

H.B. 1294 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE QUALIFIED BUSINESS INVESTMENTS TAX CREDIT AND TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT.

S.B. 119 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE TAX CREDITS FOR HISTORIC REHABILITATION BY EXTENDING THE SUNSET ON A PROVISION ALLOWING A PASS-THROUGH ENTITY TO ALLOCATE AMONG ITS OWNERS THE TAX CREDIT FOR INCOME-PRODUCING STRUCTURES AND INCREASING THE AMOUNT THAT MAY BE ALLOCATED TO AN OWNER UNDER THIS PROVISION.

S.B. 919 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE SAFETY OF VICTIMS IN SERIOUS DOMESTIC VIOLENCE CASES.

S.B. 774 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DUTIES OF OPERATORS OF SKATEBOARD PARKS, TO ESTABLISH THE DUTIES OF PERSONS WHO ENGAGE IN CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES, AND TO LIMIT THE LIABILITY OF GOVERNMENTAL ENTITIES FOR DAMAGE OR INJURIES THAT ARISE OUT OF A PERSON'S PARTICIPATION IN CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES AND THAT OCCUR IN AN AREA DESIGNATED FOR CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES.

June 27, 2003

S.B. 876 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PHYSICIANS WHO DISPENSE THE CONTROLLED SUBSTANCE BUPRENORPHINE FOR THE TREATMENT OF OPIATE DEPENDENCE TO REGISTER WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

H.B. 152 (Conference Report), A BILL TO BE ENTITLED AN ACT TO REQUIRE CHILD CARE FACILITIES TO DEVELOP AND MAINTAIN A SAFE SLEEP POLICY THAT INCLUDES REQUIRING CAREGIVERS TO PLACE CHILDREN ON THEIR BACK TO SLEEP TO REDUCE THE RISK OF SUDDEN INFANT DEATH SYNDROME (SIDS), AND TO REQUIRE CERTAIN AGENCIES AND THE MEDICAL COMMUNITY TO COOPERATE IN INVESTIGATING REPORTS OF CHILD ABUSE AND NEGLECT IN CHILD CARE FACILITIES.

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 No. 51, Extending Executive Order No. 1.

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 Purcell for the **Health and Human Resources Committee**:

S.B. 672 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE QUALITY AND ACCOUNTABILITY OF THE PUBLIC HEALTH SYSTEM BY STRENGTHENING THE PUBLIC HEALTH INFRASTRUCTURE, TO IMPROVE PUBLIC HEALTH OUTCOMES AND REDUCE HEALTH DISPARITIES BY THE DEVELOPMENT OF STATE AND LOCAL COMPREHENSIVE PUBLIC HEALTH PLANS, AND TO IMPROVE THE PUBLIC HEALTH WORKFORCE BY ENHANCING COLLABORATION WITH PUBLIC AND PRIVATE SECTOR ENTITIES AND IMPOSING PERFORMANCE STANDARDS FOR PUBLIC HEALTH PRACTICE, 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, 35333, which changes the title to read **S.B. 672** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE QUALITY AND ACCOUNTABILITY OF THE PUBLIC HEALTH SYSTEM BY STRENGTHENING THE PUBLIC HEALTH INFRASTRUCTURE, TO IMPROVE PUBLIC HEALTH OUTCOMES AND REDUCE HEALTH DISPARITIES BY THE DEVELOPMENT AND IMPLEMENTATION OF A STATE PLAN FOR PUBLIC HEALTH SERVICES, AND TO IMPROVE THE PUBLIC HEALTH WORKFORCE, is adopted and engrossed.

Upon motion of Senator Dannelly, seconded by Senator Hargett, the Senate adjourns subject to receipt of Conference Reports and Committee Reports, to meet tomorrow, Saturday, June 28, at 10:00 A.M.

CONFERENCE REPORT

Senator Queen, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 840** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT FOLKMOOT USA AS NORTH CAROLINA'S OFFICIAL INTERNATIONAL FESTIVAL AND ADOPTING THE CAROLINA LILY AS THE OFFICIAL WILDFLOWER OF NORTH CAROLINA, 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 840, A BILL TO BE ENTITLED AN ACT TO ADOPT FOLKMOOT USA AS NORTH CAROLINA'S OFFICIAL INTERNATIONAL FESTIVAL AND ADOPTING THE CAROLINA LILY AS THE OFFICIAL WILDFLOWER OF NORTH CAROLINA, House Committee Substitute Favorable 5/28/03, submit the following report:

The House recedes from the House Committee Substitute, House Committee Substitute Favorable 5/28/03, and the Second Edition shall be enrolled.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 27, 2003.

Conferees for the Senate

Conferees for the
House of Representatives

S/Joe Sam Queen, Chair

S/Rex L. Baker, Chair

S/Steve Metcalf

S/Ray Rapp

S/Richard Y. Stevens

S/Wilma M. Sherrill

The Conference Report is placed on the Calendar for Tuesday, July 1.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 10:42 A.M.

June 27, 2003

EIGHTY-EIGHTH DAY

Senate Chamber
Saturday, June 28, 2003

The Senate meets pursuant to adjournment and is called to order by The Honorable Charlie Dannelly, Deputy President *Pro Tempore*, 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, our heavenly Father, send down upon those who hold office in this State the spirit of wisdom, charity, and justice; that with steadfast purpose they may faithfully serve in their office to promote the well being of all people through Jesus Christ our Lord. Amen."

*Prayer from *The Episcopal Book of Common Prayer*

The Chair grants leaves of absence for today to Senator Albertson, Senator Allran, Senator Bingham, Senator Carrington, Senator Forrester, Senator Garwood, Senator Kinnaird, Senator Moore, Senator Pittenger, Senator Rucho, Senator Smith, Senator Stevens, Senator Tillman and Senator Weinstein.

Senator Rand announces that the Journal of yesterday, Friday, 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.

WITHDRAWAL FROM CALENDAR

H.B. 697 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF TROY AND ITS REDEVELOPMENT COMMISSION TO ACQUIRE PROPERTY WITHIN A REDEVELOPMENT AREA USING THE "QUICK TAKE" PROCEDURE.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from the Calendar of July 2 and is re-referred to the **Finance Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 497 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF MOUNT AIRY, TO ANNEX CERTAIN DESCRIBED PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF MOUNT AIRY, TO MODIFY THE CITY OF MOUNT AIRY OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE THE TOWN OF BLOWING ROCK TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, referred to the **Finance Committee** on June 26.

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 the Calendar for tomorrow, Sunday, June 29, which motion prevails with unanimous consent.

The Chair orders the House Committee Substitute bill withdrawn from the **Finance Committee** and places it on the Calendar for tomorrow, Sunday, June 29.

Upon motion of Senator Rand, seconded by Senator Malone, the Senate adjourns subject to receipt of Conference Reports and Committee Reports, to meet tomorrow, Sunday, June 29, at 7:30 P.M.

CONFERENCE REPORT

Senator Dalton, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 397** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, AND TO IMPLEMENT A STATE BUDGET THAT ENABLES THE STATE TO PROVIDE A SUSTAINABLE RECOVERY THROUGH STRONG EDUCATIONAL AND ECONOMIC TOOLS, 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 397, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, AND TO IMPLEMENT A STATE BUDGET THAT ENABLES THE STATE TO PROVIDE A SUSTAINABLE RECOVERY THROUGH STRONG EDUCATIONAL AND ECONOMIC TOOLS, Committee Substitute Favorable #2 4/15/03, Fourth Edition Engrossed 4/16/03, Senate Appropriations/Base Budget Committee Substitute Adopted 4/28/03, Seventh Edition Engrossed 4/30/03, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Seventh Edition Engrossed 4/30/03, 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 H397-PCCS30402-JSxf-16.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 28, 2003.

Conferees for the Senate

Conferees for the
House of Representatives

S/Linda Garrou, Chair
S/Walter Dalton, Chair

S/James W. Crawford, Jr., Chair
S/Wilma M. Sherrill, Chair

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S/Kay R. Hagan, Chair
 Charles W. Albertson
 S/Daniel G. Clodfelter
 S/Charlie Smith Dannelly
 Wib Gulley
 S/David W. Hoyle
 S/John H. Kerr III
 Jeanne Hopkins Lucas
 S/Steve Metcalf
 S/William R. Purcell
 S/Tony Rand
 Eric Miller Reeves
 S/A. B. Swindell
 S/Scott Thomas
 David F. Weinstein

S/Martha B. Alexander
 Gordon P. Allen
 S/Rex L. Baker
 Harold J. Brubaker
 E. Nelson Cole
 S/William T. Culpepper, III
 S/Bill G. Daughtride, Jr.
 S/Beverly M. Earle
 S/Jean Farmer-Butterfield
 Stanley H. Fox
 Michael A. Gorman
 W. Robert Grady
 S/Joe Hackney
 R. Phillip Haire
 S/Julia Howard
 S/Maggie Jeffus
 S/Carolyn H. Justice
 Joe L. Kiser
 Stephen A. LaRoque
 Paul Luebke
 Daniel F. McComas
 S/William C. McGee
 S/David M. Miner
 S/Edd Nye
 S/William C. Owens, Jr.
 S/John I. Sauls
 Bonner L. Stiller
 S/Joe P. Tolson
 William L. Wainwright
 S/Keith P. Williams
 S/Thomas E. Wright
 S/Douglas Y. Yongue

(The full text of the Conference Committee Substitute can be found in the 2003 Session Laws-Chapter 284.)

The Conference Report is placed on the Calendar for June 29, for adoption upon second reading.

Pursuant to Senator Rand's motion to adjourn having prevailed, the Senate adjourns at 10:56 P.M.

EIGHTY-NINTH DAY

Senate Chamber
 Sunday, June 29, 2003

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:

"Spirit of the living God, fall fresh on us this evening. We are so grateful to You for your many wonderful blessings to each of us individually and to our State. So this evening we ask you to be in our midst as we begin to present and discuss our State's 2003 Budget Act. Have us to always give of our best to you and surrender to Your will, which resides in each of our hearts. Whatever our financial resources are, allow us to provide as best we can for the people of this State. Be with our Governor as he makes his decision which will impact our people. Cause him to trust and obey your word. Father, we give You all the honor and the praise and the glory for this Senate and what you have done for Your people. It is in your Holy Name we pray, Amen."

The Chair grants leaves of absence for tonight to Senator Allran and Senator Garwood.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Saturday, June 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.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 497 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF MOUNT AIRY, TO ANNEX CERTAIN DESCRIBED PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF MOUNT AIRY, TO MODIFY THE CITY OF MOUNT AIRY OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE THE TOWN OF BLOWING ROCK TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, 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 46, noes 1, as follows:

Voting in the Affirmative: Senators Albertson, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—46.

Voting in the negative: Senator Webster—1.

The House Committee Substitute bill remains on the Calendar for tomorrow, Monday, June 30, for concurrence, upon third reading.

H.B. 397 (Conference Report), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND

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AGENCIES, AND FOR OTHER PURPOSES, AND TO IMPLEMENT A STATE BUDGET THAT ENABLES THE STATE TO PROVIDE A SUSTAINABLE RECOVERY THROUGH STRONG EDUCATIONAL AND ECONOMIC TOOLS, for adoption, upon second reading.

Senator Horton announces a pair vote. If Senator Reeves were present, he would vote "aye"; Senator Horton votes "no".

Senator Weinstein announces a pair vote. If Senator Garwood were present, he would vote "no"; Senator Weinstein votes "aye".

The Conference Committee Report is adopted on its second reading, by roll-call vote, ayes 26, noes 19, as follows:

Voting in the Affirmative: Senators Albertson, Basnight, Clodfelter, Dalton, Dannelly, Dorsett, Garrou, Gulley, Hagan, Hargett, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Purcell, Queen, Rand, Shaw, Soles, Swindell and Thomas—26.

Voting in the negative: Senators Apodaca, Ballantine, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Forrester, Foxx, Hartsell, Pittenger, Rucho, Shubert, Sloan, Smith, Stevens, Tillman and Webster—19.

The Conference Report remains on the Calendar for tomorrow, Monday, June 30, for adoption, upon third reading.

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. 475, AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTIES TO THE TOWN OF DALLAS.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 29, 2003

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 840 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT FOLKMOOT USA AS NORTH CAROLINA'S OFFICIAL INTERNATIONAL FESTIVAL AND ADOPTING THE CAROLINA LILY AS THE OFFICIAL WILDFLOWER OF NORTH CAROLINA.

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 Dannelly, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 907** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE COUNCIL FOR THE DEAF AND THE HARD OF HEARING, TO INCREASE THE MEMBERS ON THE COUNCIL, AND TO CHANGE THE APPOINTING AUTHORITY FOR TWO OF THE MEMBERS APPOINTED TO THE COUNCIL, 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 907, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE COUNCIL FOR THE DEAF AND THE HARD OF HEARING, TO INCREASE THE MEMBERS ON THE COUNCIL, AND TO CHANGE THE APPOINTING AUTHORITY FOR TWO OF THE MEMBERS APPOINTED TO THE COUNCIL, Senate Health & Human Resources Committee Substitute Adopted 5/14/03 Fourth Edition Engrossed 5/21/03, submit the following report:

The House and the Senate agree to the following amendments to the Senate Health & Human Resources Committee Substitute Adopted 5/14/03 Fourth Edition Engrossed 5/21/03, and the House concurs in the Senate Health & Human Resources Committee Substitute, Fourth Edition Engrossed as amended:

On page 2, lines 37-38, by rewriting the lines to read:
"shall be a representative from a facility that performs cochlear implants; one member shall be recommended by the President of";

And on page 3, lines 42-43, by rewriting the lines to read:
"July 1, 2003, the member who is a representative from a facility that performs cochlear implants and who is appointed by the Governor shall be"
The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 29, 2003.

Conferees for the Senate

S/Charlie Smith Dannelly, Chair
S/Jeanne Hopkins Lucas
S/William R. Purcell
S/Eleanor Kinnaird
S/James Forrester
S/Tony Rand

Conferees for the
House of Representatives

S/Martha B. Alexander, Chair
S/Verla C. Insko
S/Maggie Jeffus
S/Carolyn K. Justus
S/Bobby F. England
S/Don Munford

June 29, 2003

The Conference Report is placed on the Calendar for Tuesday, July 1, for adoption.

Upon motion of Senator Basnight, seconded by Senator Gulley, the Senate adjourns at 8:47 P.M. to meet tomorrow, Monday, June 30, at 3:00 P.M.

NINETIETH DAY

Senate Chamber
Monday, June 30, 2003

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, the weekend has been long and sometimes tedious for the men and women of the Senate. Yet, they have completed the task set before them. We are grateful. The late Vance Havner, a North Carolina preacher, once said that God wants our bodies as living sacrifices, not corpses. Transform any weariness that they may be experiencing with the fresh energy of Your spirit. Lift their eyes off of the struggles they have encountered to once again see the big picture.

"They have been called to a special place of service. May they reflect a small portion of Your glory to the people of our State who long for peace and security. Amen."

The Chair grants leaves of absence for today to Senator Allran, Senator Garwood and Senator Reeves.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Sunday, June 29, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

WITHDRAWAL FROM CALENDAR

H.B. 1213 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE DEFERRED DEPOSIT TRANSACTIONS AND TO PROVIDE ADDITIONAL CONSUMER DISCLOSURES AND PROTECTIONS.

Upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from the Calendar for tomorrow, Tuesday, July 1, and is placed on the Calendar for Monday, July 7.

The Chair orders the Senate Committee Substitute bill withdrawn from the Calendar for tomorrow, Tuesday, July 1, and places it on the Calendar for Monday, July 7.

S.B. 840 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT FOLKMOOT USA AS NORTH CAROLINA'S OFFICIAL

INTERNATIONAL FESTIVAL AND ADOPTING THE CAROLINA LILY AS THE OFFICIAL WILDFLOWER OF NORTH CAROLINA.

Senator Rand offers a motion that the House Committee Substitute bill be withdrawn from the Calendar for tomorrow, Tuesday, July 1, and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the House Committee Substitute bill withdrawn from the Calendar for tomorrow, Tuesday, July 1, and places it on today's Calendar.

H.B. 685, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF SUNSET HARBOR.

Senator Soles offers a motion that the bill be withdrawn from the Calendar for tomorrow, Tuesday, July 1, and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the Calendar for tomorrow, Tuesday, July 1, and places it on today's Calendar.

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

S.B. 497 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF MOUNT AIRY, TO ANNEX CERTAIN DESCRIBED PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF MOUNT AIRY, TO MODIFY THE CITY OF MOUNT AIRY OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE THE TOWN OF BLOWING ROCK TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 43, noes 1, as follows

Voting in the affirmative: Senators Albertson, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—43.

Voting in the negative: Senator Webster—1.

The House Committee Substitute bill is ordered enrolled.

H.B. 1074 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE A STATUTE TO CREATE A BUTNER ADVISORY COUNCIL SO AS TO ELECT ALL MEMBERS AT LARGE IN ONE MULTISEAT RACE AND ELIMINATE STAGGERED TERMS; TO DEFINE THE ELECTORAL JURISDICTION OF THE COUNCIL AND THE JURISDICTION OF SPECIAL POLICE OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY; TO AMEND THE LEGISLATION IN OTHER NEEDED WAYS; AND TO CORRECT THE BOUNDARY BETWEEN THE NASH-ROCKY MOUNT SCHOOL ADMINISTRATIVE UNIT AND THE EDGEcombe COUNTY PUBLIC SCHOOL SYSTEM, upon third reading.

The Senate Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaid, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The Senate Committee Substitute bill No. 2 is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill No. 2.

WITHDRAWAL FROM CALENDAR

H.B. 907 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE COUNCIL FOR THE DEAF AND THE HARD OF HEARING, TO INCREASE THE MEMBERS ON THE COUNCIL, AND TO CHANGE THE APPOINTING AUTHORITY FOR TWO OF THE MEMBERS APPOINTED TO THE COUNCIL.

Upon motion of Senator Dannelly, the conference report is withdrawn from the Calendar for tomorrow, Tuesday, July 1, and is placed on the Calendar for Tuesday, July 8.

The Chair orders the Conference Report withdrawn from the Calendar for tomorrow, Tuesday, July 1, and places it on the Calendar for Tuesday, July 8.

Without objection, upon motion of Senator Rand, the following bills on the Calendar for Tuesday, July 1, and Wednesday, July 2, will be placed on the Calendar for Tuesday, July 8.

S.B. 453 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE MONROE OCCUPANCY TAX AND TO AUTHORIZE UNION COUNTY TO LEVY A ROOM OCCUPANCY TAX AND TOURISM DEVELOPMENT TAX.

H.B. 1118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE SIGNS TO BE POSTED WARNING OF THE POSSIBLE DANGERS OF CONSUMPTION OF ALCOHOL DURING PREGNANCY.

H.B. 948 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITIES OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND THE WILDLIFE RESOURCES COMMISSION WITH RESPECT TO THE REGULATION OF CERVIDS.

H.B. 1006 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT GREATER CONSUMER PROTECTION TO RESIDENTS OF MANUFACTURED HOUSING IN NORTH CAROLINA, TO CLARIFY THE SALES TAX ON MODULAR HOMES, AND TO ESTABLISH MINIMUM CONSTRUCTION AND DESIGN STANDARDS FOR SINGLE-FAMILY MODULAR HOMES.

S.B. 672 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE QUALITY AND ACCOUNTABILITY OF THE PUBLIC HEALTH SYSTEM BY STRENGTHENING THE PUBLIC HEALTH INFRASTRUCTURE, TO IMPROVE PUBLIC HEALTH OUTCOMES AND REDUCE HEALTH DISPARITIES BY THE DEVELOPMENT AND IMPLEMENTATION OF A STATE PLAN FOR PUBLIC HEALTH SERVICES, AND TO IMPROVE THE PUBLIC HEALTH WORKFORCE.

H.B. 743, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NURSE TESTIMONIAL PRIVILEGE.

H.B. 855 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR A SPECIAL REGISTRATION PLATE AND TO CREDIT THE INCREASED FEE REVENUE TO THE NATURAL HERITAGE TRUST FUND AND THE PARKS AND RECREATION TRUST FUND, TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE NUMBER OF SPECIAL REGISTRATION PLATES THAT HAVE NOT RECEIVED THE MINIMUM NUMBER OF APPLICATIONS WITHIN THREE YEARS OF THEIR AUTHORIZATION AND ALTERNATIVE METHODS OF IDENTIFYING NORTH CAROLINA REGISTRATION PLATES, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: ALTERNATIVE FUEL VEHICLES, BE ACTIVE NC, BLUE RIDGE PARKWAY FOUNDATION, BREAST CANCER AWARENESS, BUFFALO SOLDIERS, CELEBRATE ADOPTION, CRYSTAL COAST ARTIFICIAL REEF ASSOCIATION, DELTA SIGMA THETA SORORITY, FRIENDS OF THE APPALACHIAN TRAIL, MOTHERS AGAINST DRUNK DRIVING, POW/MIA, RED HAT SOCIETY, RETIRED LAW ENFORCEMENT OFFICERS, SURVEYORS, AND ZETA PHI BETA SORORITY.

H.B. 886 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN PROVISIONS OF ARTICLE 1, CHAPTER 90 OF THE GENERAL STATUTES RELATING TO THE NORTH CAROLINA MEDICAL BOARD AND THE PRACTICE OF MEDICINE.

H.B. 1194 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE "E-NC" AUTHORITY TO CONTINUE THE WORK OF THE RURAL INTERNET ACCESS AUTHORITY.

H.B. 1294 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE QUALIFIED BUSINESS INVESTMENTS TAX CREDIT AND TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT.

S.B. 119 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE TAX CREDITS FOR HISTORIC REHABILITATION BY EXTENDING THE SUNSET ON A PROVISION ALLOWING A PASS-THROUGH ENTITY TO ALLOCATE AMONG ITS OWNERS THE TAX CREDIT FOR INCOME-PRODUCING STRUCTURES AND INCREASING THE AMOUNT THAT MAY BE ALLOCATED TO AN OWNER UNDER THIS PROVISION.

S.B. 919 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE SAFETY OF VICTIMS IN SERIOUS DOMESTIC VIOLENCE CASES.

S.B. 293 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING SALES REPRESENTATIVE COMMISSIONS.

S.B. 774 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DUTIES OF OPERATORS OF SKATEBOARD PARKS, TO ESTABLISH THE DUTIES OF PERSONS WHO ENGAGE IN CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES, AND TO LIMIT THE LIABILITY OF GOVERNMENTAL ENTITIES FOR DAMAGE OR INJURIES THAT ARISE OUT OF A PERSON'S PARTICIPATION IN CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES AND THAT OCCUR IN AN AREA DESIGNATED FOR CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES.

S.B. 876 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PHYSICIANS WHO DISPENSE THE CONTROLLED SUBSTANCE BUPRENORPHINE FOR THE TREATMENT OF OPIATE DEPENDENCE TO REGISTER WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

S.B. 925 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS TO PREVENT SECURITIES FRAUD AND TO CLARIFY THE PROHIBITION ON STATE CONTRACTS 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.

S.B. 847 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY LATE FEES CHARGED TO RESIDENTIAL TENANTS.

H.B. 152 (Conference Report), A BILL TO BE ENTITLED AN ACT TO REQUIRE CHILD CARE FACILITIES TO DEVELOP AND MAINTAIN A SAFE SLEEP POLICY THAT INCLUDES REQUIRING CAREGIVERS TO PLACE CHILDREN ON THEIR BACK TO SLEEP TO REDUCE THE RISK OF SUDDEN INFANT DEATH SYNDROME (SIDS), AND TO REQUIRE CERTAIN AGENCIES AND THE MEDICAL COMMUNITY TO COOPERATE IN INVESTIGATING REPORTS OF CHILD ABUSE AND NEGLECT IN CHILD CARE FACILITIES.

Upon motion of Senator Rand, the following joint resolution is withdrawn from the Calendar for Wednesday, July 3 and is placed on the Calendar for Thursday, July 10.

S.J.R. 608 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF TIMOTHY REESE MCLAURIN.

Upon the appearance of Senator Allran in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

CALENDAR *(continued)*

H.B. 397 (Conference Report), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, AND TO IMPLEMENT A STATE BUDGET THAT ENABLES THE STATE TO PROVIDE A SUSTAINABLE RECOVERY THROUGH STRONG EDUCATIONAL AND ECONOMIC TOOLS, for adoption upon third reading.

Senator Carpenter announces a pair vote. If Senator Gulley were present, he would vote "aye"; Senator Carpenter votes "no".

Senator Weinstein announces a pair vote. If Senator Garwood were present, he would vote "no"; Senator Weinstein votes "aye".

Senator Horton announces a pair vote. If Senator Reeves were present, he would vote "aye"; Senator Horton votes "no".

The Senate adopts the conference report on its third reading, by roll-call vote, ayes 25, noes 19, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Clodfelter, Dalton, Dannelly, Dorsett, Garrou, Hagan, Hargett, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Purcell, Queen, Rand, Shaw, Soles, Swindell and Thomas—25.

Voting in the negative: Senators Allran, Apodaca, Ballantine, Berger, Bingham, Blake, Brock, Carrington, Forrester, Foxx, Hartsell, Pittenger, Rucho, Shubert, Sloan, Smith, Stevens, Tillman and Webster—19.

The President orders a message sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives
June 29, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for HB 339, A BILL TO BE ENTITLED AN ACT TO CONFORM NORTH CAROLINA'S THIRD PARTY ADMINISTRATOR ARTICLE TO REVISIONS TO THE NAIC MODEL THIRD PARTY ADMINISTRATOR STATUTE; REQUIRE GROUP ANNUITY INSURERS TO ISSUE INDIVIDUAL CERTIFICATES OF COVERAGE TO EACH ANNUITANT; REORGANIZE ARTICLE 60 OF CHAPTER 58 OF THE

June 30, 2003

GENERAL STATUTES AND AMEND CURRENT DISCLOSURE REQUIREMENTS FOR SOLICITATION OF LIFE INSURANCE PRODUCTS AND ANNUITIES; REQUIRE INSURERS TO NOTIFY EMPLOYEES OF THE EXISTENCE OF EMPLOYER-OWNED LIFE INSURANCE POLICIES WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF COVERAGE; REQUIRE THAT ASSOCIATION PREMIUM RATES FOR ACCIDENT AND HEALTH INSURANCE BE ACTUARIALLY SOUND AND THAT ASSOCIATIONS BE RATED AS A SINGLE GROUP WHEN THE COVERAGE PROVIDED IS NOT EMPLOYER-BASED; LIMIT AN INDIVIDUAL ACCIDENT AND HEALTH INSURER'S USE OF AN INDIVIDUAL'S OWN CLAIMS' EXPERIENCE TO DEVELOP THE INDIVIDUAL'S RENEWAL RATE; EXEMPT A SOLE PROPRIETOR FROM THE FULL-TIME BASIS OR THIRTY-HOUR WORKWEEK REQUIREMENTS TO BE ELIGIBLE FOR LARGE GROUP HEALTH COVERAGE LIKE THE PROPRIETOR'S FULL-TIME EMPLOYEES; CORRECT AN INADVERTENT CROSS-REFERENCE IN ORDER TO REAPPLY NEWBORN COVERAGE TO A MORE COMPREHENSIVE GROUP OF INSURERS; TECHNICALLY CORRECT AN OMISSION REGARDING PROVISIONS GOVERNING PREEXISTING CONDITIONS FOR LIMITED HEALTH, SUPPLEMENTAL HEALTH, AND SPECIFIED DISEASE POLICIES; DECREASE THE TOTAL NUMBER OF MEMBERS THAT SERVE ON THE SMALL EMPLOYER REINSURANCE POOL BOARD FROM NINE TO SIX; ALLOW PERSONS RETROACTIVELY ENROLLED IN MEDICARE PART B THE SAME SIX-MONTH OPEN ENROLLMENT PERIOD FOR MEDICARE SUPPLEMENT PLANS AS PERSONS WHO ENROLLED IN MEDICARE PART B WITHOUT A RETROACTIVE EFFECTIVE DATE OF COVERAGE; TECHNICALLY CORRECT THE REVOCATION AND SUSPENSION LAW TO INCLUDE A BENEFICIARY OF A LIFE OR ANNUITY CONTRACT AS A CLAIMANT; MANDATE HEALTH BENEFIT COVERAGE FOR DESIGNATED TRAVEL EXPENSES WHEN THE REQUIRED DISTANCE TRAVELED THRESHOLD IS MET; AND MAKE TECHNICAL CORRECTIONS TO THE CREDIT INSURANCE LAWS, and requests conferees.

Speaker Black has appointed:

Representative Wright, Chair
Representative Gibson
Representative Wainwright
Representative McComas
Representative Howard, and
Representative Sherrill

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise Weeks
Principal Clerk

House of Representatives
June 30, 2003

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 397 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, AND TO IMPLEMENT A STATE BUDGET THAT ENABLES THE STATE TO PROVIDE A SUSTAINABLE RECOVERY THROUGH STRONG EDUCATIONAL AND ECONOMIC TOOLS.

When a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

House of Representatives
June 29, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for HB 926, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PENALTY FOR AN ASSAULT IN THE PRESENCE OF A MINOR, and requests conferees.

Speaker Black has appointed:

Representative Dickson, Chair
Representative Weiss,
Representative Sutton
Representative Sherrill,
Representative Moore,
Representative Barnhart, and
Representative Gorman

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

June 30, 2003

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 274 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE ADJUSTMENTS TO THE BUDGET TO DIRECT SAVINGS IDENTIFIED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM TO REPLENISH THE MEDICAID TRUST FUND, TO PROVIDE FOR REVIEW OF 2004-2005 FISCAL YEAR AVAILABILITY, TO PROVIDE CONTINGENCIES FOR FAILURE TO IDENTIFY ADEQUATE SURPLUS PROPERTY TO BE SOLD, TO PROVIDE REVENUE SHORTFALL CONTINGENCY PREPARATIONS, TO REPLENISH CONTINGENCY AND EMERGENCY FUND ALLOCATIONS, AND TO MAINTAIN THE CURRENT LAW ON RECEIPTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill is placed before the Senate for immediate consideration.

The Chair grants leaves of absence for the remainder of today's session to Senator Hartsell.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (26-20) and the measure is ordered enrolled and sent to the Governor by special message.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 684, AN ACT TO PROVIDE FOR FINANCING THE CONSTRUCTION OF A NEW PSYCHIATRIC HOSPITAL TO BE LOCATED IN BUTNER.

H.B. 826, AN ACT TO AMEND THE CONFIDENTIALITY PROVISIONS OF CHAPTER 122C OF THE GENERAL STATUTES TO PERMIT IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM.

H.B. 1023, AN ACT TO ALLOW INTERPOLICY STACKING OF UNINSURED MOTORIST COVERAGE, TO AMEND THE DEFINITION OF UNDERINSURED HIGHWAY VEHICLE, AND TO CLARIFY THE AMOUNT OF UNDERINSURED LIABILITY COVERAGE AVAILABLE WHEN MULTIPLE PARTIES ARE INJURED IN MOTOR VEHICLE ACCIDENTS.

H.B. 1070, AN ACT TO INCREASE THE EXPENDITURE BENCHMARK FOR A SPECIAL RESPONSIBILITY CONSTITUENT INSTITUTION FOR CERTAIN PURCHASING CONTRACTS.

H.B. 1140, AN ACT TO AUTHORIZE THE QUICK REMOVAL OF VEHICLES, CARGO, OR OTHER PERSONAL PROPERTY FROM CONTROLLED-ACCESS HIGHWAYS AND TO ALLOW DRIVERS TO REMOVE VEHICLES FROM TRAVEL LANES OF A HIGHWAY FOLLOWING MINOR ACCIDENTS, IF THE VEHICLES CAN BE SAFELY MOVED.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 542, AN ACT TO ALLOW THE TOWNS OF CASWELL BEACH, OAK ISLAND, OCEAN ISLE BEACH, AND SUNSET BEACH AND THE VILLAGE OF BALD HEAD ISLAND TO EXERCISE THE POWER OF EMINENT DOMAIN FOR THE PURPOSES OF ENGAGING IN BEACH EROSION CONTROL, FLOOD AND HURRICANE PROTECTION WORKS, AND PUBLIC BEACH ACCESS.

CALENDAR (*continued*)

S.B. 840 (Conference Report), A BILL TO BE ENTITLED AN ACT TO ADOPT FOLKMOOT USA AS NORTH CAROLINA'S OFFICIAL INTERNATIONAL FESTIVAL AND ADOPTING THE CAROLINA LILY AS THE OFFICIAL WILDFLOWER OF NORTH CAROLINA, placed earlier on today's Calendar.

Upon motion of Senator Queen, the Senate adopts the Conference Report (45-0).

Pursuant to a message received on June 29 that the House of Representatives adopts the conference report, the bill is ordered 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.

H.B. 685, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF SUNSET HARBOR, placed earlier on today's Calendar, upon third reading.

Senator Soles offers Amendment No. 1 which is adopted (45-0).

The Committee Substitute bill, as amended, passes its third reading by a three-fifths majority vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Hagan, Hargett, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 934 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A REGISTRATION FEE FOR THE AUTHORIZATION OF A PRIVATE FACILITY TO SERVE DWI OFFENDERS AND TO INCREASE THE FEE FOR A SUBSTANCE ABUSE ASSESSMENT CONDUCTED BY AN ASSESSING AGENCY, for concurrence in the House Committee Substitute bill.

June 30, 2003

Upon motion of Senator Kerr, the House Committee Substitute bill is placed on the Calendar for Tuesday, July 8.

H.B. 751 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE TITLE TO EXISTING LAND AND THE LAND BUILT UP AND CONSTRUCTED IN THE TOWN OF KITTY HAWK IN THE COUNTY OF DARE AS A RESULT OF CERTAIN EROSION CONTROL WORK IN SAID TOWN AND ANNEXING A TRACT TO THE CORPORATE LIMITS OF THAT TOWN.

Referred to **Finance Committee**.

H.B. 1049 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW LICENSED PSYCHOLOGICAL ASSOCIATES TO RECEIVE PAYMENT FOR SERVICES FROM INSURERS AND TO INCREASE THE FEE THE PSYCHOLOGY BOARD MAY CHARGE FOR A TEMPORARY LICENSE.

Referred to **Finance Committee**.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 274, AN ACT TO MAKE ADJUSTMENTS TO THE BUDGET TO DIRECT SAVINGS IDENTIFIED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM TO REPLENISH THE MEDICAID TRUST FUND, TO PROVIDE FOR REVIEW OF 2004-2005 FISCAL YEAR AVAILABILITY, TO PROVIDE CONTINGENCIES FOR FAILURE TO IDENTIFY ADEQUATE SURPLUS PROPERTY TO BE SOLD, TO PROVIDE REVENUE SHORTFALL CONTINGENCY PREPARATIONS, TO REPLENISH CONTINGENCY AND EMERGENCY FUND ALLOCATIONS, AND TO MAINTAIN THE CURRENT LAW ON RECEIPTS.

H.B. 397, AN ACT TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, AND TO IMPLEMENT A STATE BUDGET THAT ENABLES THE STATE TO PROVIDE A SUSTAINABLE RECOVERY THROUGH STRONG EDUCATIONAL AND ECONOMIC TOOLS.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 497, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF MOUNT AIRY, TO ANNEX CERTAIN DESCRIBED PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF MOUNT AIRY, TO MODIFY THE CITY OF MOUNT AIRY OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE THE TOWN OF BLOWING ROCK TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX.

APPOINTMENT BY THE GOVERNOR

STATE OF NORTH CAROLINA

Office of the Governor

20301 Mail Service Center • Raleigh, NC 27699-0301

MICHAEL F. EASLEY
GOVERNOR

June 30, 2003

Ms. Janet Pruitt
NC General Assembly
Senate Principal Clerk
2020 Legislative Building
Raleigh, NC 27601

Dear Ms. Pruitt:

Pursuant to General Statute § 106-2, I hereby appoint Mr. Elbert Pitt and Mr. Kirk Mathis and reappoint Mr. Hyman Young, Jr. and Mr. William Holliday to the North Carolina State Board of Agriculture and submit their names for confirmation by the North Carolina Senate. Their terms are effective immediately, pending confirmation, and will expire May 1, 2009.

Enclosed is biographical information on these appointees. Please feel free to call on them or members of my office of Boards and Commissions if you need additional information.

With kindest regards, I remain

Very truly yours,

A handwritten signature in black ink that reads "Mike Easley".

Michael F. Easley

cc: The Honorable Beverly Perdue
The Honorable Marc Basnight
The Honorable Charles AlbertsonReferred to **Agriculture/Environment/Natural Resources Committee.****SENATE PAGES**

The Chair recognizes the following pages serving in the Senate this week:

Sheena Berry, Manteo; Victoria Rachel Cummings, Reidsville; Sarah Caroline Cunningham, Greensboro; Rose Marie Epps, Raleigh; Adam Michael Everett,

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Hickory; Erica Ann Fretwell, Hertford; Andrew Fyfe, Raleigh; Chad Giles, Garner; Calton Gibson Hall, Stedman; John Benbury Haywood, Raleigh; Robert Blair Hunter, Charlotte; Kenan Rand Jernigan, Raleigh; Rebecca Jones, Eden; Ashley Klein, Edenton; Morgan Mayer, Greensboro; Hannah McOwen, Manteo; Kristin N. McVey, Burlington; Cooper Patrick Mohr, Pinehurst; Hannah Page, Greensboro; Jeffrey Michael Solomon, Greensboro; Meagan Michelle Williams, Sparta; and Ashley Nicole Yeargin, Virginia Beach, VA.

COMMITTEE APPOINTMENT

Pursuant to Rule 31, the President *Pro Tempore* announces the appointment of Senator Jenkins to the **Select Committee on Insurance and Civil Justice Reform**.

Upon motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns at 4:47 P.M. subject to ratification of bills, to meet Thursday, July 3, at 10:00 A.M.

NINETY-FIRST DAY

Senate Chamber
Thursday, July 3, 2003

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, tomorrow we will celebrate our Nation's birth.

"The signing of the *Declaration of Independence* laid the foundation not only for the United States, but also set that foundation squarely within a religious context.

"All people are created equal' it states and 'endowed by their Creator with unalienable rights.' The document concludes with the stirring statement that there is a 'reliance on the protection of Divine Providence ... that we mutually pledge to each other our lives, our fortunes, and our sacred honor.'

"We ask that you restore to us both the commitment implied in that document to each other and to You. For where the Spirit of the Lord is, there is always freedom to serve You and others. Amen."

The Chair grants leaves of absence for today to Senator Garwood and Senator Stevens.

Senator Malone, announces that the Journal of Monday, June 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. Daniel J. Albright 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:

S.B. 840, AN ACT TO ADOPT FOLKMOOT USA AS NORTH CAROLINA'S OFFICIAL INTERNATIONAL FESTIVAL.

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. 656, AN ACT TO ESTABLISH THE INNOVATIVE EDUCATION INITIATIVES ACT. (Became law upon approval of the Governor, June 27, 2003–S.L. 2003-277.)

H.B. 1120, AN ACT TO PERMIT THE APPOINTMENT OF CERTAIN HIGH SCHOOL STUDENTS AS STUDENT ELECTION ASSISTANTS AND TO MAKE OTHER CHANGES TO THE ELECTION LAWS. (Became law upon approval of the Governor, June 27, 2003–S.L. 2003-278.)

S.B. 475, AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTIES TO THE TOWN OF DALLAS. (Became law upon ratification, June 29, 2003–S.L. 2003-279.)

H.B. 562, AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO USE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS DURING A THREE-YEAR PILOT PROGRAM IN DESIGNATED CORRIDORS; TO AUTHORIZE THE CITY OF CHARLOTTE TO ESTABLISH CIVIL PENALTIES FOR SPEED LIMIT AND SCHOOL ZONE SPEED LIMIT VIOLATIONS; AND TO AUTHORIZE THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE SECRETARY OF CRIME CONTROL AND PUBLIC SAFETY TO APPROVE STANDARDS FOR THE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS. (Became law without the approval of the Governor, June 30, 2003–S.L. 2003-280.)

S.B. 497, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF MOUNT AIRY, TO ANNEX CERTAIN DESCRIBED PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF MOUNT AIRY, TO MODIFY THE CITY OF MOUNT AIRY OCCUPANCY TAX PROVISIONS, AND TO AUTHORIZE THE TOWN OF BLOWING ROCK TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX. (Became law upon ratification, June 30, 2003–S.L. 2003-281.)

H.B. 542, AN ACT TO ALLOW THE TOWNS OF CASWELL BEACH, OAK ISLAND, OCEAN ISLE BEACH, AND SUNSET BEACH AND THE VILLAGE OF BALD HEAD ISLAND TO EXERCISE THE POWER OF EMINENT DOMAIN

July 3, 2003

FOR THE PURPOSES OF ENGAGING IN BEACH EROSION CONTROL, FLOOD AND HURRICANE PROTECTION WORKS, AND PUBLIC BEACH ACCESS. (Became law upon ratification, June 30, 2003–S.L. 2003-282.)

S.B. 274, AN ACT TO MAKE ADJUSTMENTS TO THE BUDGET TO DIRECT SAVINGS IDENTIFIED BY THE BLUE RIBBON COMMISSION ON MEDICAID REFORM TO REPLENISH THE MEDICAID TRUST FUND, TO PROVIDE FOR REVIEW OF 2004-2005 FISCAL YEAR AVAILABILITY, TO PROVIDE CONTINGENCIES FOR FAILURE TO IDENTIFY ADEQUATE SURPLUS PROPERTY TO BE SOLD, TO PROVIDE REVENUE SHORTFALL CONTINGENCY PREPARATIONS, TO REPLENISH CONTINGENCY AND EMERGENCY FUND ALLOCATIONS, AND TO MAINTAIN THE CURRENT LAW ON RECEIPTS. (Became law upon approval of the Governor, June 30, 2003–S.L. 2003-283.)

H.B. 397, AN ACT TO APPROPRIATE FUNDS FOR CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, AND TO IMPLEMENT A STATE BUDGET THAT ENABLES THE STATE TO PROVIDE A SUSTAINABLE RECOVERY THROUGH STRONG EDUCATIONAL AND ECONOMIC TOOLS. (Became law upon approval of the Governor, June 30, 2003–S.L. 2003-284.)

Upon motion of Senator Malone, seconded by Senator Shubert, the Senate adjourns at 10:08 A.M. to meet Monday, July 7, at 7:00 P.M.

NINETY-SECOND DAY

Senate Chamber
Monday, July 7, 2003

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:

"Our Heavenly Father, we have just celebrated another anniversary of the birth and independence of our great Nation.

"We have learned from You and from history that freedom is not the right to do as we please, but an opportunity to do what is right.

"Within the framework of that definition of freedom, we ask Your blessing and guidance on all actions still to be taken up by the members of the Senate during this session beginning tonight.

"In Your Holy Name we pray, Amen."

The Chair grants leaves of absence for tonight to Senator Apodaca, Senator

Ballantine, Senator Berger, Senator Carrington, Senator Dalton, Senator Garrou, Senator Garwood, Senator Holloman, Senator Metcalf, Senator Moore and Senator Reeves.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, 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.

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. 786, AN ACT TO PROVIDE THAT WHEN THE PROPERTY OF A RESIDENT OF A STATE INSTITUTION UNDER THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IS LOST, DESTROYED, OR OTHERWISE DAMAGED THROUGH NEGLIGENT HANDLING BY THE INSTITUTION, THE INSTITUTION MAY MAKE DIRECT PAYMENT OR PROVIDE REPLACEMENT OF THE ITEM TO THE RESIDENT WITHOUT RECOURSE TO THE TORT CLAIMS PROCESS IF THE AMOUNT OF DAMAGES IS LESS THAN FIVE HUNDRED DOLLARS. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-285.)

S.B. 773, AN ACT TO AUTHORIZE COMMUNITY COLLEGES TO ENTER INTO PUBLIC/PRIVATE PARTNERSHIPS FOR CONSTRUCTION PROJECTS. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-286.)

S.B. 537, AN ACT TO EXCLUDE AIRPORTS FROM THE PUBLIC ENTERPRISE BILLING INFORMATION PRIVACY LAW. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-287.)

S.B. 423, AN ACT TO CLARIFY AND ENHANCE CHILD SUPPORT ENFORCEMENT LAWS. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-288.)

S.B. 117, AN ACT TO NAME THE WESTERN JUSTICE ACADEMY IN HONOR OF REPRESENTATIVE LARRY T. JUSTUS. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-289.)

H.B. 283, AN ACT TO REQUIRE REAL PROPERTY WARRANTY COMPANIES TO CARRY CONTRACTUAL LIABILITY POLICIES; ESTABLISH GREATER UNIFORMITY AND FLEXIBILITY FOR REQUIREMENTS IMPOSED UPON SERVICE AGREEMENT COMPANIES AND PERSONS THAT ISSUE WARRANTIES UNDER ARTICLE 1 OF CHAPTER 58; EXPAND THE DEFINITION OF HOME APPLIANCE WITHIN THE HOME APPLIANCE SERVICE AGREEMENT COMPANIES STATUTE; ENHANCE ENFORCEMENT OF ARTICLE 1 OF CHAPTER 58; REQUIRE MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES TO USE A SPECIFIC FORMAT ON ALL WRITTEN MATERIALS

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SUBMITTED; MANDATE ALL REQUIRED INSURER SUBMISSIONS TO THE DEPARTMENT OF INSURANCE TO BE IN A SPECIFIC FORMAT IF IN WRITING; DEFINE MECHANICAL BREAKDOWN SERVICE AGREEMENTS AND REQUIRE ALL MECHANICAL BREAKDOWN SERVICE AGREEMENT COMPANIES TO COMPLY WITH ARTICLE 1 OF CHAPTER 58 OF THE GENERAL STATUTES AND WITH THE RULES REGARDING MOTOR VEHICLE AND HOME APPLIANCE SERVICE AGREEMENT COMPANIES; AND AUTHORIZE THE ISSUANCE OF LIMITED LICENSES FOR THE SALE OF INSURANCE COVERAGE ON PERSONAL PROPERTY STORED IN SELF-SERVICE STORAGE UNITS. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-290.)

S.B. 955, AN ACT TO MODIFY THE LAW REGARDING CONTRACTS FOR SCHOOL PRINCIPALS. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-291.)

H.B. 1016, AN ACT TO ADD PARTICULAR UNIVERSITY FACILITIES AS NONSMOKING AREAS. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-292.)

S.B. 952, AN ACT TO MAKE NEW CHALLENGE GRANTS AVAILABLE FROM THE DISTINGUISHED PROFESSORS ENDOWMENT TRUST FUND FOR CERTAIN CONSTITUENT INSTITUTIONS. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-293.)

S.B. 926, AN ACT TO CLARIFY THE LICENSING PROCESS FOR NEW GROUP HOME FACILITIES AND FOR THE REIMBURSEMENT OF EDUCATIONAL COSTS BY THE HOME COUNTY TO THE HOST COUNTY. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-294.)

S.B. 881, AN ACT TO PERMIT PHASE II PAYMENTS UNDER THE NATIONAL TOBACCO GROWER SETTLEMENT TRUST TO BE PAID WITHOUT REOPENING A DECEDENT'S ESTATE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-295.)

H.B. 807, AN ACT TO CLARIFY CERTAIN PROVISIONS OF THE LAW ESTABLISHING THE ELECTIVE SHARE OF A DECEDENT'S SURVIVING SPOUSE. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-296.)

H.B. 1037, AN ACT TO ESTABLISH CRIMINAL PENALTIES FOR ALLOWING JUVENILES TO ESCAPE AND TO ALLOW JUVENILE DETENTION FACILITIES TO PHOTOGRAPH JUVENILES AND TO RELEASE THE PHOTOGRAPHS WHEN THE JUVENILE ESCAPES. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-297.)

S.B. 521, AN ACT TO ENHANCE THE REGULATION OF PYROTECHNIC DISPLAYS. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-298.)

H.B. 1171, AN ACT TO MAKE CHANGES IN THE LAW PROHIBITING HAZING. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-299.)

S.B. 936, AN ACT TO WAIVE VARIOUS DEADLINES, FEES, AND PENALTIES FOR DEPLOYED MILITARY PERSONNEL. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-300.)

S.B. 714, AN ACT TO ENSURE THAT PUBLIC SCHOOL EMPLOYEES DO NOT LOSE PAY WHILE THEY ARE ON MILITARY DUTY. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-301.)

H.B. 38, AN ACT TO SHORTEN THE PROBATIONARY PERIOD FOR CAREER TEACHERS WHEN THEY CHANGE SCHOOL SYSTEMS OR RETURN TO TEACHING AFTER LEAVING THE PROFESSION. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-302.)

H.B. 408, AN ACT TO MODIFY THE SECRET PEEPING STATUTE AND TO MAKE CONFORMING CHANGES. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-303.)

S.B. 421, AN ACT TO CLARIFY AND MAKE TECHNICAL CORRECTIONS TO THE CHILD WELFARE LAWS AND TO ENHANCE THE STATE'S ABILITY TO PROTECT CHILDREN. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-304.)

H.B. 994, AN ACT ALLOWING THE STATE, COUNTIES, AND CITIES TO CONSTRUCT PRE-ENGINEERED STRUCTURES WITHOUT HAVING THE PLANS AND SPECIFICATIONS FOR THE STRUCTURES REVIEWED BY A REGISTERED ARCHITECT OR ENGINEER. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-305.)

S.B. 698, AN ACT TO ADD THREE ADVISORY MEMBERS TO THE STATE BOARD OF EDUCATION. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-306.)

S.B. 775, AN ACT TO CONDITIONALLY REQUIRE INSURERS TO PROVIDE INFORMATION REGARDING POLICY LIMITS PRIOR TO LITIGATION WHEN REQUESTED IN WRITING BY THE PERSONS WHO HAVE CLAIMS, OTHER THAN MEDICAL MALPRACTICE CLAIMS, SUBJECT TO NONFLEET PRIVATE PASSENGER AUTOMOBILE INSURANCE POLICIES AND TO GIVE THESE INSURERS THE OPTION OF INITIATING PRELITIGATION MEDIATION OF THE CLAIMS. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-307.)

H.B. 1129, AN ACT TO REVISE SERVICE REQUIREMENTS TO CONFORM WITH RULE 4 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE, AND TO MAKE TECHNICAL AND OTHER CHANGES TO THE WAGE AND HOUR ACT AND THE PRIVATE PERSONNEL SERVICES ACT. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-308.)

July 7, 2003

S.B. 1011, AN ACT TO ALLOW A LIENHOLDER TO REQUEST AN ACCOUNTING OF DISBURSEMENTS OF SUMS RECOVERED FOR PERSONAL INJURY WITH RESPECT TO LIENS IN FAVOR OF PROVIDERS OF HEALTH-RELATED GOODS AND SERVICES. (Became law upon approval of the Governor, July 4, 2003–S.L. 2003-309.)

CALENDAR

A bill on tonight's Calendar is taken up and disposed of, as follows:

H.B. 1213 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE DEFERRED DEPOSIT TRANSACTIONS AND TO PROVIDE ADDITIONAL CONSUMER DISCLOSURES AND PROTECTIONS.

Upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, July 15.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 786 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND LIABILITY RULES THAT APPLY TO CIVIL PARKING AND RED LIGHT CAMERA ENFORCEMENT ACTIONS.

Pursuant to the message from the House of Representatives received on June 25 that the House fails to concur in the Senate Committee Substitute bill for H.B. 786 and requests conferees, the Deputy President *Pro Tempore* appoints Senator Clodfelter, Chair, and Senator Reeves and Senator Hartsell as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The President Pro Tempore extends privileges of the floor to former Senator George Daniel from Caswell County.

The President Pro Tempore extends privileges of the floor to Miss Stephanie Weinstein, granddaughter of Senator Weinstein.

WITHDRAWAL FROM COMMITTEE

S.B. 760 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT GRANTS FROM UNIFORM PROGRAMS FOR PUBLIC CAMPAIGN FINANCING DO NOT CONSTITUTE "CONTRIBUTIONS" AND ARE NOT SUBJECT TO RESTRICTIONS ON CONTRIBUTIONS; TO CLARIFY THAT GOVERNMENTS IN CITIES AND COUNTIES OF A CERTAIN SIZE ARE AUTHORIZED TO CONDUCT THOSE PROGRAMS; TO GRANT GOVERNMENTS IN CITIES AND COUNTIES OF A CERTAIN SIZE AUTHORITY TO SET CONTRIBUTION LIMITS AT ONE THOUSAND DOLLARS FOR LOCAL OFFICES RATHER THAN THE STATEWIDE LIMIT OF FOUR THOUSAND DOLLARS; AND TO APPROPRIATE FUNDS FOR AND MANDATE A STUDY OF LOCAL PUBLIC CAMPAIGN FINANCING PROGRAMS, re-referred to the **Appropriations/Base Budget Committee** on June 4.

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 **Judiciary I 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 **Judiciary I Committee**.

Upon motion of Senator Dannelly, seconded by Senator Thomas, the Senate adjourns at 7:30 P.M. to meet tomorrow, Tuesday, July 8, at 2:00 P.M.

NINETY-THIRD DAY

Senate Chamber
Tuesday, July 8, 2003

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by Dr. Steve McKinion, Senior Pastor, Christ Baptist Church, Raleigh, North Carolina, as follows:

"Our God, we are grateful that you have given us another day to know life and to have breath. I thank you for these men and women that You have put into this position. Thank you for their desire to serve our great State, for their willingness to give of their time, and their effort, and their energies for the people of this State. Father, I pray that you would give to us wisdom, and especially to the members of the Senate, that you would give to them what they need to make the decisions which are best and which are right. We thank you that you are good to us, that in all things you shower down to us blessings and love, and goodness, and kindness, and mercy, and we ask that you would help us to do the same. Teach us to love as You love and be good as You are good. Father, thank you as well that you are great, that you are the king of all kings and the ruler not only of all of the universe, but the ruler of our lives. Help us to be reminded that each day is a gift from You and all we have is because of Your good hand. Help us to remember as well, that because of Christ, we have hope not only in this world, but in the world to come. As the business is carried on over the next several hours and days, You would guide and You would lead the men and women of this Senate to do what is good and to do what is right and that you would bless them and be good to them. I pray this for them in Jesus' name. Amen."

The Chair grants leaves of absence for today to Senator Ballantine, Senator Garwood and Senator Hoyle.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, July 7, 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.

July 8, 2003

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1294 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE QUALIFIED BUSINESS INVESTMENTS TAX CREDIT AND TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT.

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, July 9.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives
July 7, 2003

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 152 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CHILD CARE FACILITIES TO DEVELOP AND MAINTAIN A SAFE SLEEP POLICY THAT INCLUDES REQUIRING CAREGIVERS TO PLACE CHILDREN ON THEIR BACK TO SLEEP TO REDUCE THE RISK OF SUDDEN INFANT DEATH SYNDROME (SIDS), AND TO REQUIRE CERTAIN AGENCIES AND THE MEDICAL COMMUNITY TO COOPERATE IN INVESTIGATING REPORTS OF CHILD ABUSE AND NEGLECT IN CHILD CARE FACILITIES.

When a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

House of Representatives
July 7, 2003

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 907 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE COUNCIL FOR THE DEAF AND THE HARD OF HEARING, TO INCREASE THE MEMBERS ON THE COUNCIL, AND TO CHANGE THE APPOINTING AUTHORITY FOR TWO OF THE MEMBERS APPOINTED TO THE COUNCIL.

When a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

House of Representatives
July 7, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for HB 1062, A BILL TO BE ENTITLED AN ACT TO REQUIRE COMMUNITY WATER SYSTEMS THAT REGULARLY SERVE ONE THOUSAND OR MORE SERVICE CONNECTIONS OR THREE THOUSAND OR MORE INDIVIDUALS TO PREPARE LOCAL WATER SUPPLY PLANS AND TO AUTHORIZE THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO MAKE DROUGHT DESIGNATIONS, and requests conferees.

Speaker Black has appointed:

Representative McLawhorn, Chair
Representative Justice, and
Representative Gibson

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise Weeks
Principal Clerk

H.B. 1000 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE UNIVERSITY OF NORTH CAROLINA'S OPTIONAL RETIREMENT PLAN.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 1289 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING VARIOUS PROVISIONS UNDER THE PRIVATE PROTECTIVE SERVICES ACT, REDUCING THE NUMBER OF MEMBERS ON THE PRIVATE PROTECTIVE SERVICES BOARD, AUTHORIZING THE BOARD TO ESTABLISH CONTINUING EDUCATION REQUIREMENTS, AND DECREASING THE REQUIRED MINIMUM BALANCE IN THE PRIVATE PROTECTIVE SERVICES RECOVERY FUND.

Referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee**.

July 8, 2003

H.B. 1301 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS THAT ARE JOINTLY UNDERTAKING A DEVELOPMENT PROJECT TO ENTER INTO AGREEMENTS TO FINANCE THE PROJECT.

Referred to the **Finance Committee**.

H.B. 1303 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT ATHLETIC CONTESTS SPONSORED BY INCOME TAX EXEMPT PERSONS FROM THE AMUSEMENTS PRIVILEGE TAX.

Referred to the **Finance Committee**.

H.B. 1316 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A TRAVEL AND TOURISM CAPITAL INVESTMENT PROGRAM.

Referred to the **Finance Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 464, A BILL TO BE ENTITLED AN ACT TO CREATE THE DEBT AFFORDABILITY ADVISORY COMMITTEE AND THE CAPITAL PROJECTS PRIORITY COMMITTEE, referred to the **Appropriations/Base Budget Committee** on March 20.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **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**.

S.B. 168, A BILL TO BE ENTITLED AN ACT RELATING TO THE 12TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 25.

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**.

PRIVILEGES OF THE FLOOR

Upon motion of Senator Rand, the rules are suspended and the President extends privileges of the floor to Mr. A. P. Carlton, Jr., President of the American Bar Association. Mr. Carlton is escorted to the Well of the Senate and addresses the members.

CALENDAR *(continued)*

H.B. 1006 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT GREATER CONSUMER PROTECTION TO RESIDENTS OF MANUFACTURED HOUSING IN NORTH CAROLINA, TO CLARIFY THE SALES TAX ON MODULAR HOMES, AND TO ESTABLISH MINIMUM

CONSTRUCTION AND DESIGN STANDARDS FOR SINGLE-FAMILY MODULAR HOMES.

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, July 9, upon second reading.

S.B. 453 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE MONROE OCCUPANCY TAX AND TO AUTHORIZE UNION COUNTY TO LEVY A ROOM OCCUPANCY TAX AND TOURISM DEVELOPMENT TAX, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 24, noes 22, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Forrester, Foxx, Hartsell, Holloman, Horton, Lucas, Pittenger, Rucho, Shaw, Shubert, Sloan, Smith, Stevens, Tillman, Webster and Weinstein—24.

Voting in the negative: Senators Albertson, Basnight, Clodfelter, Dalton, Dannelly, Dorsett, Garrou, Gulley, Hagan, Jenkins, Kerr, Kinnaird, Malone, Metcalf, Moore, Purcell, Queen, Rand, Reeves, Soles, Swindell and Thomas—22.

A motion that the vote by which the Committee Substitute bill passed its second reading be reconsidered is offered and prevails (27-20). The question before the Body becomes the passage of the bill on second reading.

Upon motion of Senator Shubert, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, July 10, upon second reading.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 47 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING THE CAROLINA LILY AS THE OFFICIAL WILDFLOWER OF NORTH CAROLINA, with a favorable report.

H.B. 897 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES TO REDUCE CERTAIN TESTING REQUIREMENTS APPLICABLE TO THE LEAKING UNDERGROUND STORAGE TANK CLEANUP PROGRAM IN ORDER TO REDUCE COSTS, 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 30405, which changes the title to read **H.B. 897** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE SOLVENCY OF THE

July 8, 2003

COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND AND THE NONCOMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND BY TEMPORARILY REQUIRING THAT CLEANUPS PROCEED ONLY AFTER PREAPPROVAL BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES PURSUANT TO A SCHEDULE BASED ON THE DEGREE OF RISK TO HUMAN HEALTH AND THE ENVIRONMENT AND OTHER FACTORS; TO PROVIDE THAT PAYMENT OR REIMBURSEMENT FROM THE COMMERCIAL FUND AND NONCOMMERCIAL FUND BE LIMITED TO THAT NECESSARY TO ACHIEVE THE MOST COST-EFFECTIVE CLEANUP; TO PROVIDE FOR THE IMPLEMENTATION OF PERFORMANCE-BASED CLEANUPS; TO MINIMIZE FUTURE DISCHARGES AND RELEASES BY AUTHORIZING THE ADOPTION OF RULES TO REQUIRE THE USE OF SECONDARY CONTAINMENT FOR PETROLEUM UNDERGROUND STORAGE TANK SYSTEMS; TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES TO REDUCE CERTAIN TESTING REQUIREMENTS APPLICABLE TO THE LEAKING UNDERGROUND STORAGE TANK CLEANUP PROGRAM TO REDUCE COSTS; TO PROVIDE THAT A MIXED PLUME OF CONTAMINATION THAT RESULTS FROM RELEASES OF PETROLEUM FROM BOTH AN UNDERGROUND STORAGE TANK AND AN ABOVEGROUND STORAGE TANK OR OTHER SOURCE MAY BE CLEANED UP UNDER THE RISK-BASED CLEANUP RULES APPLICABLE TO RELEASES FROM PETROLEUM UNDERGROUND STORAGE TANKS; AND TO AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP PROGRAM IN ORDER TO PROTECT PROPERTY VALUES, ENSURE TIMELY REIMBURSEMENT OF PERSONS WHO ENGAGE IN CLEANUPS, AND PROTECT GROUNDWATER, is adopted and engrossed.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee:**



North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh 27601-2808

July 8, 2003

The President and Members of the Senate
North Carolina General Assembly
State Legislative Building
Raleigh, North Carolina 27601-2808

Dear Madame President and Members of the Senate:

In compliance with the provision of G.S. 106-2, which requires that appointments to the Board of Agriculture be made by the Governor and with the consent of the Senate, Governor Easley has submitted his appointees; Mr. Elbert Pitt, Mr. Kirk Mathis, Mr. Hyman Young, Jr., and Mr. William Holliday; for consent. Their terms are effective immediately, and will expire May 1, 2009.

The Senate Committee on Agriculture/Environment/Natural Resources has considered the appointments and makes the following recommendation to the Senate:

That the Senate consent to the appointments of Mr. Elbert Pitt and Mr. Kirk Mathis; and the re-appointments of Mr. Hyman Young, Jr., and Mr. William Holliday to the Board of Agriculture for terms that will begin immediately and that will expire May 1, 2009.

Respectfully submitted,



Charles W. Albertson, Chair
Senate Agriculture/Environment/
Natural Resources Committee

CWA/cjb

Senator Albertson offers a motion that the Senate adopt the report of the Committee which motion prevails (47-0). The Senate confirms the appointments by the Governor pursuant to G.S. 106-2 of Mr. Elbert Pitt, Mr. Kirk Mathis, Mr. Hyman Young, Jr., and Mr. William Holliday to the State Board of Agriculture.

Upon motion of Senator Albertson, the President extends the courtesies of the gallery to Mr. Elbert Ray Pitt, Jr., Mr. Kirk Mathis, Mr. William E. Holiday, Mr. Hyman Young, Jr., and Mr. Britt Cobb, Interim Agriculture Commissioner.

CALENDAR *(continued)*

H.B. 1118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE SIGNS TO BE POSTED WARNING OF THE POSSIBLE DANGERS OF CONSUMPTION OF ALCOHOL DURING PREGNANCY, 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, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

July 8, 2003

H.B. 948 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITIES OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND THE WILDLIFE RESOURCES COMMISSION WITH RESPECT TO THE REGULATION OF CERVIDS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gullely, Hagan, Hargett, Hartsell, Holloman, Horton, Jenkins, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—46.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, July 9, upon third reading.

H.B. 743, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NURSE TESTIMONIAL PRIVILEGE.

Upon motion of Senator Purcell, the bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, July 9.

S.B. 672 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE QUALITY AND ACCOUNTABILITY OF THE PUBLIC HEALTH SYSTEM BY STRENGTHENING THE PUBLIC HEALTH INFRASTRUCTURE, TO IMPROVE PUBLIC HEALTH OUTCOMES AND REDUCE HEALTH DISPARITIES BY THE DEVELOPMENT AND IMPLEMENTATION OF A STATE PLAN FOR PUBLIC HEALTH SERVICES, AND TO IMPROVE THE PUBLIC HEALTH WORKFORCE.

The Committee Substitute bill No. 2 passes its second reading (46-1).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Wednesday, July 9.

H.B. 855 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR A SPECIAL REGISTRATION PLATE AND TO CREDIT THE INCREASED FEE REVENUE TO THE NATURAL HERITAGE TRUST FUND AND THE PARKS AND RECREATION TRUST FUND, TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE NUMBER OF SPECIAL REGISTRATION PLATES THAT HAVE NOT RECEIVED THE MINIMUM NUMBER OF APPLICATIONS WITHIN THREE YEARS OF THEIR AUTHORIZATION AND ALTERNATIVE METHODS OF IDENTIFYING NORTH CAROLINA REGISTRATION PLATES, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: ALTERNATIVE FUEL VEHICLES, BE ACTIVE NC, BLUE RIDGE PARKWAY FOUNDATION, BREAST CANCER AWARENESS, BUFFALO SOLDIERS, CELEBRATE ADOPTION, CRYSTAL COAST ARTIFICIAL REEF ASSOCIATION, DELTA SIGMA THETA SORORITY, FRIENDS OF THE

APPALACHIAN TRAIL, MOTHERS AGAINST DRUNK DRIVING, POW/MIA, RED HAT SOCIETY, RETIRED LAW ENFORCEMENT OFFICERS, SURVEYORS, AND ZETA PHI BETA SORORITY.

Senator Hargett offers Amendment No. 1 which is adopted (46-1), and changes the title to read **H.B. 855** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR A SPECIAL REGISTRATION PLATE AND TO CREDIT THE INCREASED FEE REVENUE TO THE NATURAL HERITAGE TRUST FUND AND THE PARKS AND RECREATION TRUST FUND, TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE NUMBER OF SPECIAL REGISTRATION PLATES THAT HAVE NOT RECEIVED THE MINIMUM NUMBER OF APPLICATIONS WITHIN THREE YEARS OF THEIR AUTHORIZATION AND ALTERNATIVE METHODS OF IDENTIFYING NORTH CAROLINA REGISTRATION PLATES, TO ALLOW THE NC COASTAL FEDERATION SPECIAL PLATE TO HAVE A DIFFERENT PLATE BACKGROUND, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: ALTERNATIVE FUEL VEHICLES, BE ACTIVE NC, BLUE RIDGE PARKWAY FOUNDATION, BREAST CANCER AWARENESS, BUFFALO SOLDIERS, CELEBRATE ADOPTION, CRYSTAL COAST ARTIFICIAL REEF ASSOCIATION, DELTA SIGMA THETA SORORITY, FRIENDS OF THE APPALACHIAN TRAIL, MOTHERS AGAINST DRUNK DRIVING, POW/MIA, RED HAT SOCIETY, RETIRED LAW ENFORCEMENT OFFICERS, SURVEYORS, AND ZETA PHI BETA SORORITY.

Senator Thomas offers Amendment No. 2 which is adopted (47-0), and changes the title to read **H.B. 855** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR A SPECIAL REGISTRATION PLATE AND TO CREDIT THE INCREASED FEE REVENUE TO THE NATURAL HERITAGE TRUST FUND AND THE PARKS AND RECREATION TRUST FUND, TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE NUMBER OF SPECIAL REGISTRATION PLATES THAT HAVE NOT RECEIVED THE MINIMUM NUMBER OF APPLICATIONS WITHIN THREE YEARS OF THEIR AUTHORIZATION AND ALTERNATIVE METHODS OF IDENTIFYING NORTH CAROLINA REGISTRATION PLATES, TO ALLOW THE NC COASTAL FEDERATION SPECIAL PLATE TO HAVE A DIFFERENT PLATE BACKGROUND, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: ALTERNATIVE FUEL VEHICLES, BE ACTIVE NC, BLUE RIDGE PARKWAY FOUNDATION, BREAST CANCER AWARENESS, BUFFALO SOLDIERS, CELEBRATE ADOPTION, CRYSTAL COAST ARTIFICIAL REEF ASSOCIATION, DELTA SIGMA THETA SORORITY, FRATERNAL ORDER OF POLICE, FRIENDS OF THE APPALACHIAN TRAIL, MOTHERS AGAINST DRUNK DRIVING, POW/MIA, RED HAT SOCIETY, RETIRED LAW ENFORCEMENT OFFICERS, SURVEYORS, AND ZETA PHI BETA SORORITY.

The Senate Committee Substitute bill, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

July 8, 2003

H.B. 886 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN PROVISIONS OF ARTICLE 1, CHAPTER 90 OF THE GENERAL STATUTES RELATING TO THE NORTH CAROLINA MEDICAL BOARD AND THE PRACTICE OF MEDICINE.

Upon motion of Senator Rand, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 1194 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE "E-NC" AUTHORITY TO CONTINUE THE WORK OF THE RURAL INTERNET ACCESS AUTHORITY.

Senator Reeves offers Amendment No. 1 which is adopted (46-0).

The Senate Committee Substitute bill, as amended, passes its second (41-6) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 119 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE TAX CREDITS FOR HISTORIC REHABILITATION BY EXTENDING THE SUNSET ON A PROVISION ALLOWING A PASS-THROUGH ENTITY TO ALLOCATE AMONG ITS OWNERS THE TAX CREDIT FOR INCOME-PRODUCING STRUCTURES AND INCREASING THE AMOUNT THAT MAY BE ALLOCATED TO AN OWNER UNDER THIS PROVISION, 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 roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Jenkins, Kerr, Kinnaid, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—46.

Voting in the negative: Senator Webster—1.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, July 9, for concurrence upon third reading.

S.B. 919 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE SAFETY OF VICTIMS IN SERIOUS DOMESTIC VIOLENCE CASES, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 45, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Jenkins, Kerr, Kinnaid, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—45.

Voting in the negative: Senators Brock and Webster—2.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, July 9, for concurrence upon third reading.

S.B. 934 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A REGISTRATION FEE FOR THE AUTHORIZATION OF A PRIVATE FACILITY TO SERVE DWI OFFENDERS AND TO INCREASE THE FEE FOR A SUBSTANCE ABUSE ASSESSMENT CONDUCTED BY AN ASSESSING AGENCY, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Kerr, the Senate fails to concur in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 1, noes 46, as follows:

Voting in the affirmative: Senator Sloan—1.

Voting in the negative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—46.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

S.B. 293 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING SALES REPRESENTATIVE COMMISSIONS, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Thomas, the Senate concurs in the House Committee Substitute bill No. 2 (47-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 774 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DUTIES OF OPERATORS OF SKATEBOARD PARKS, TO ESTABLISH THE DUTIES OF PERSONS WHO ENGAGE IN CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES, AND TO LIMIT THE LIABILITY OF GOVERNMENTAL ENTITIES FOR DAMAGE OR INJURIES THAT ARISE OUT OF A PERSON'S PARTICIPATION IN CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES AND THAT OCCUR IN AN AREA DESIGNATED FOR CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dalton, the Senate concurs in the House Committee Substitute bill (46-1) and the measure is ordered enrolled and sent to the Governor.

S.B. 847 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY LATE FEES CHARGED TO RESIDENTIAL TENANTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Gulley, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, July 10.

S.B. 876 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PHYSICIANS WHO DISPENSE THE CONTROLLED

SUBSTANCE BUPRENORPHINE FOR THE TREATMENT OF OPIATE DEPENDENCE TO REGISTER WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Purcell, the Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 925 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS TO PREVENT SECURITIES FRAUD AND TO CLARIFY THE PROHIBITION ON STATE CONTRACTS 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, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, July 10.

H.B. 152 (Conference Report), A BILL TO BE ENTITLED AN ACT TO REQUIRE CHILD CARE FACILITIES TO DEVELOP AND MAINTAIN A SAFE SLEEP POLICY THAT INCLUDES REQUIRING CAREGIVERS TO PLACE CHILDREN ON THEIR BACK TO SLEEP TO REDUCE THE RISK OF SUDDEN INFANT DEATH SYNDROME (SIDS), AND TO REQUIRE CERTAIN AGENCIES AND THE MEDICAL COMMUNITY TO COOPERATE IN INVESTIGATING REPORTS OF CHILD ABUSE AND NEGLECT IN CHILD CARE FACILITIES, for adoption.

Upon motion of Senator Purcell, the Senate adopts the Conference Report (47-0).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

H.B. 907 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE COUNCIL FOR THE DEAF AND THE HARD OF HEARING, TO INCREASE THE MEMBERS ON THE COUNCIL, AND TO CHANGE THE APPOINTING AUTHORITY FOR TWO OF THE MEMBERS APPOINTED TO THE COUNCIL, for adoption.

Upon motion of Senator Dannelly, the Senate adopts the Conference Report (47-0).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

APPOINTMENT OF CONFERENCE COMMITTEES

H.B. 926 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PENALTY FOR AN ASSAULT IN THE PRESENCE OF A MINOR.

Pursuant to the message from the House of Representatives received on June 30 that the House fails to concur in the Senate Committee Substitute bill for H.B. 926 and requests conferees, the President *Pro Tempore* appoints Senator Clodfelter, Chair; and Senator Hagan; Senator Dorsett; Senator Thomas; and Senator Stevens as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H.B. 339 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM NORTH CAROLINA'S THIRD PARTY ADMINISTRATOR ARTICLE TO REVISIONS TO THE NAIC MODEL THIRD PARTY ADMINISTRATOR STATUTE; REQUIRE GROUP ANNUITY INSURERS TO ISSUE INDIVIDUAL CERTIFICATES OF COVERAGE TO EACH ANNUITANT; REORGANIZE ARTICLE 60 OF CHAPTER 58 OF THE GENERAL STATUTES AND AMEND CURRENT DISCLOSURE REQUIREMENTS FOR SOLICITATION OF LIFE INSURANCE PRODUCTS AND ANNUITIES; REQUIRE INSURERS TO NOTIFY EMPLOYEES OF THE EXISTENCE OF EMPLOYER-OWNED LIFE INSURANCE POLICIES WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF COVERAGE; REQUIRE THAT ASSOCIATION PREMIUM RATES FOR ACCIDENT AND HEALTH INSURANCE BE ACTUARIALLY SOUND AND THAT ASSOCIATIONS BE RATED AS A SINGLE GROUP WHEN THE COVERAGE PROVIDED IS NOT EMPLOYER-BASED; LIMIT AN INDIVIDUAL ACCIDENT AND HEALTH INSURER'S USE OF AN INDIVIDUAL'S OWN CLAIMS' EXPERIENCE TO DEVELOP THE INDIVIDUAL'S RENEWAL RATE; EXEMPT A SOLE PROPRIETOR FROM THE FULL-TIME BASIS OR THIRTY-HOUR WORKWEEK REQUIREMENTS TO BE ELIGIBLE FOR LARGE GROUP HEALTH COVERAGE LIKE THE PROPRIETOR'S FULL-TIME EMPLOYEES; CORRECT AN INADVERTENT CROSS-REFERENCE IN ORDER TO REAPPLY NEWBORN COVERAGE TO A MORE COMPREHENSIVE GROUP OF INSURERS; TECHNICALLY CORRECT AN OMISSION REGARDING PROVISIONS GOVERNING PREEXISTING CONDITIONS FOR LIMITED HEALTH, SUPPLEMENTAL HEALTH, AND SPECIFIED DISEASE POLICIES; DECREASE THE TOTAL NUMBER OF MEMBERS THAT SERVE ON THE SMALL EMPLOYER REINSURANCE POOL BOARD FROM NINE TO SIX; ALLOW PERSONS RETROACTIVELY ENROLLED IN MEDICARE PART B THE SAME SIX-MONTH OPEN ENROLLMENT PERIOD FOR MEDICARE SUPPLEMENT PLANS AS PERSONS WHO ENROLLED IN MEDICARE PART B WITHOUT A RETROACTIVE EFFECTIVE DATE OF COVERAGE; TECHNICALLY CORRECT THE REVOCATION AND SUSPENSION LAW TO INCLUDE A BENEFICIARY OF A LIFE OR ANNUITY CONTRACT AS A CLAIMANT; MANDATE HEALTH BENEFIT COVERAGE FOR DESIGNATED TRAVEL EXPENSES WHEN THE REQUIRED DISTANCE TRAVELED THRESHOLD IS MET; AND MAKE TECHNICAL CORRECTIONS TO THE CREDIT INSURANCE LAWS.

Pursuant to the message from the House of Representatives received on June 30 that the House fails to concur in the Senate Committee Substitute bill for H.B. 339 and requests conferees, the President *Pro Tempore* appoints Senator Soles, Chair; and Senator Hoyle; Senator Rand; and Senator Berger as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (continued)

H.B. 886 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN PROVISIONS OF ARTICLE 1, CHAPTER 90 OF THE

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GENERAL STATUTES RELATING TO THE NORTH CAROLINA MEDICAL BOARD AND THE PRACTICE OF MEDICINE, temporarily displaced earlier.

Senator Rand offers Amendment No. 1 which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its second (40-7) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 974 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE PURCHASE OF RECONSTITUTED OR RECOMBINED FLUID MILK BY ANY DEPARTMENT, INSTITUTION, OR AGENCY OF THE STATE, with an unfavorable report as to Senate Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill No. 3.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 3, 80348, is adopted and engrossed.

CONFERENCE REPORT

Senator Albertson, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 824** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES; TO AMEND THE REPORTING REQUIREMENT SET OUT IN S.L. 2001-442; TO EXTEND THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS INITIALLY ESTABLISHED BY SECTION 15.4 OF S.L. 1997-443; AND TO ESTABLISH AN EXCEPTION TO THE MORATORIUM INITIALLY ESTABLISHED BY SECTION 1.2 OF S.L. 1997-458 FOR FACILITIES THAT WERE APPROVED FOR FUNDING UNDER THE AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL AT THE TIME THE MORATORIUM WAS ESTABLISHED, 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 824, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES; TO AMEND THE REPORTING

REQUIREMENT SET OUT IN S.L. 2001-442; TO EXTEND THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS INITIALLY ESTABLISHED BY SECTION 15.4 OF S.L. 1997-443; AND TO ESTABLISH AN EXCEPTION TO THE MORATORIUM INITIALLY ESTABLISHED BY SECTION 1.2 OF S.L. 1997-458 FOR FACILITIES THAT WERE APPROVED FOR FUNDING UNDER THE AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL AT THE TIME THE MORATORIUM WAS ESTABLISHED, House Committee Substitute Favorable 6/17/03, submit the following report:

The Senate and the House of Representatives agree to the following amendment to the House Committee Substitute Favorable 6/17/03, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 6/17/03 and substitute the attached Proposed Conference Committee Substitute S824-PCCS35338-RT-27.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: 8 July 2003.

Conferees for the Senate

Conferees for the
House of Representatives

S/Senator Charles W. Albertson, Chair
S/Senator Fletcher Hartsell, Jr.
S/Senator R. C. Soles, Jr.

S/Representative Pryor A. Gibson, III, Chair
S/Representative Stephen A. LaRoque
S/Representative Daniel F. McComas

The text of the attached Proposed Conference Committee Substitute S824-PCCS35338-RT-27 is as follows:

A BILL TO BE ENTITLED

AN ACT TO AMEND VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES TO: (1) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS; (2) AMEND THE REPORTING REQUIREMENT SET OUT IN S.L. 2001-442; (3) CLARIFY WHAT CONSTITUTES A BASE OF OPERATIONS FOR MOBILE FOOD UNITS AND PUSHCARTS; (4) INCREASE THE MEMBERSHIP OF THE ENVIRONMENTAL REVIEW COMMISSION BY TWO; (5) EXTEND BY ONE YEAR THE TIME THAT TEMPORARY RULES TO PROTECT WATER QUALITY AND RIPARIAN BUFFERS IN CERTAIN RIVER BASINS WILL REMAIN IN EFFECT; (6) EXTEND BY TWO YEARS THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS INITIALLY ESTABLISHED BY SECTION 15.4 OF S.L. 1997-443; AND (7) ESTABLISH AN EXCEPTION TO THE MORATORIUM INITIALLY ESTABLISHED BY SECTION 1.2 OF S.L. 1997-458 FOR FACILITIES THAT WERE APPROVED FOR FUNDING UNDER THE AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL AT THE TIME THE MORATORIUM WAS ESTABLISHED.

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The General Assembly of North Carolina enacts:

SECTION 1.1. G.S. 113-44.8(a) reads as rewritten:

"(a) The State of North Carolina offers unique archaeological, geologic, biological, scenic, and recreational resources. These resources are part of the heritage of the people of this State. The heritage of a people should be preserved and managed by ~~those~~ the people for their use and for the use of their visitors and descendants."

SECTION 1.2. G.S. 113-173(e) reads as rewritten:

"(e) Replacement RCGL. – The provisions of ~~G.S.~~ G.S. 113-168.1(h) apply to this section."

SECTION 1.3. Article 13A of Chapter 113 of the General Statutes (G.S. 113-145.1 through G.S. 113-145.8) is recodified as Article 18 of Chapter 113A of the General Statutes (G.S. 113A-251 through G.S. 113A-259). The Revisor of Statutes is authorized to correct any reference in the General Statutes to the statutes that are recodified by this section.

SECTION 1.4. G.S. 113A-232(a) reads as rewritten:

"(a) Fund Created. – The Conservation Grant Fund is created within the Department of Environment and Natural Resources. The Fund shall be administered by ~~that~~ the Department. The purpose of the Fund is to stimulate the use of conservation easements and conservation tax credits, to improve the capacity of private nonprofit land trust organizations to successfully accomplish conservation projects, to better equip real estate related professionals to pursue opportunities for conservation, to increase landowner participation in land and water conservation, and to provide an opportunity to leverage private and other public monies for conservation easements."

SECTION 1.5. G.S. 130A-248(a4) reads as rewritten:

"(a4) For the protection of the public health, the Commission shall adopt rules governing the sanitation of limited food service establishments. In adopting the rules, the Commission shall not limit the number of days that limited food service establishments may operate. Limited food service establishment permits shall be issued only to political subdivisions of the State, establishments operated by volunteers that prepare or serve food in conjunction with amateur athletic events, ~~or for establishments operated by other charitable organizations. On and after January 1, 1996, limited food service establishment permits shall be issued only to political subdivisions of the State, establishments operated by volunteers that prepare or serve food in conjunction with amateur athletic events, or for establishments operated by organizations that have applied for exemption or are exempt from federal income tax under section 501(c)(3) or section 501(c)(4) of the Internal Revenue Code. On and after January 1, 1997, limited food service establishment permits shall be issued only to political subdivisions of the State, establishments operated by volunteers that prepare or serve food in conjunction with amateur athletic events, or for establishments operated by organizations that are exempt from federal income tax under section 501(c)(3) or section 501(c)(4) of the Internal Revenue Code.~~"

SECTION 1.6. G.S. 130A-309.14(a1)(3) reads as rewritten:

"(3) The Department of Administration and the Department of Transportation shall each provide by 1 October of each year to the Department of Environment and Natural Resources a detailed description of the respective Agency's review and revision of bid procedures and purchase and use of reusable, refillable, repairable, more durable, and less toxic supplies and products. The information

provided by the Department of Administration and the Department of Transportation to the Department of Environment and Natural Resources shall also be included in the report required by G.S. 130A-309.06(c)."

SECTION 1.7. G.S. 143-215.107B reads as rewritten:

"§ 143-215.107B. **Statewide goals for reduction in emissions of ~~nitrogen oxides;~~ oxides of nitrogen; report.**

It shall be the goal of the State to reduce emissions of ~~nitrogen oxides~~ of nitrogen (NOx) from all sources by at least twenty-five percent (25%) by 1 July 2009. It shall be the goal of the State to reduce the growth of vehicle miles traveled in the State by at least twenty-five percent (25%) of that growth that would otherwise occur by 1 July 2009. The Department of Environment and Natural Resources and the Department of Transportation shall evaluate progress toward achieving these goals in each fiscal year and shall report their findings and recommendations as to any measures that may be needed to achieve these goals to the Environmental Review Commission on or before 1 October of each ~~year beginning 1 October 2000~~ year."

SECTION 1.8.(a) If Senate Bill 945, 2003 Regular Session, does not become law, then G.S. 143-215.108(a) reads as rewritten:

"(a) Except as provided in subsections (a1) and (a2) of this section, no person shall do any of the following things or carry out any of the following activities ~~which~~ that contravene or will be likely to contravene standards established pursuant to G.S. 143-215.107 or set out in G.S. 143-215.107D unless that person has obtained ~~from the Commission~~ a permit therefor for the activity from the Commission and has complied with any conditions of ~~this~~ the permit:

- (1) Establish or operate any air contaminant ~~source;~~ source.
- (2) Build, erect, ~~use~~ use, or operate any equipment ~~which~~ that may result in the emission of ~~an air contaminants~~ contaminant or ~~which~~ that is likely to cause air ~~pollution;~~ pollution.
- (3) Alter or change the construction or method of operation of any equipment or process from which air contaminants are or may be ~~emitted;~~ emitted.
- (4) Enter into an irrevocable contract for the construction and installation of any air-cleaning device, or allow or cause ~~such any~~ air-cleaning device to be constructed, installed, or operated."

SECTION 1.8.(b) If Senate Bill 945, 2003 Regular Session, becomes law, then G.S. 143-215.108(a), as amended by Section 1 of Senate Bill 945, 2003 Regular Session, reads as rewritten:

"(a) Except as provided in subsections (a1) and (a2) of this section, no person shall do any of the following things or carry out any of the following activities that contravene or will be likely to contravene standards established pursuant to G.S. 143-215.107 or set out in G.S. 143-215.107D unless that person has obtained a permit ~~therefor~~ for the activity from the Commission and has complied with any conditions of the permit:

- (1) Establish or operate any air contaminant source, except as provided in G.S. 143-215.108A.
- (2) Build, erect, ~~use~~ use, or operate any equipment that may result in the emission of an air contaminant or that is likely to cause air pollution, except as provided in G.S. 143-215.108A.

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- (3) Alter or change the construction or method of operation of any equipment or process from which air contaminants are or may be emitted."

SECTION 1.9. G.S. 143-726(d)(4) reads as rewritten:

- "(4) The Secretary of ~~the Department of~~ Environment and Natural Resources."

SECTION 1.10. G.S. 143B-428 reads as rewritten:

"§ 143B-428. Department of Commerce – declaration of policy.

It is hereby declared to be the policy of the State of North Carolina to actively encourage the expansion of existing environmentally sound North Carolina industry; to actively encourage the recruitment of environmentally sound national and international industry into North Carolina through industrial recruitment efforts and through effective advertising, with an emphasis on high-wage-paying industry; to promote the development of North Carolina's labor force to meet the State's growing industrial needs; to promote the growth and development of our travel and tourist industries; to promote the development of our State ports; ~~to promote the management of North Carolina's energy resources and the development of a State energy policy;~~ and to assure throughout State government, the coordination of North Carolina's economic development efforts."

SECTION 2. Section 7 of S.L. 2001-442 reads as rewritten:

"**SECTION 7.** Beginning 1 ~~March 2002,~~ September 2003, the ~~Department Secretary of~~ Environment and Natural Resources shall submit ~~a semiannual~~ an annual report to the Environmental Review Commission on the implementation of Sections 1 through 6 of this act as a part of the report required by G.S. 143-215.94M."

SECTION 3. G.S. 130A-248(c1) reads as rewritten:

"(c1) The Commission shall adopt rules governing the sanitation of pushcarts and mobile food units. A permitted restaurant or commissary shall serve as a base of operations for a pushcart or mobile food unit shall be operated in conjunction with a permitted restaurant unit."

SECTION 4. G.S. 120-70.42 reads as rewritten:

"§ 120-70.42. Membership; cochaIRS; vacancies; quorum.

(a) The Environmental Review Commission shall consist of six Senators appointed by the President Pro Tempore of the Senate, six Representatives appointed by the Speaker of the House of Representatives, who shall serve at the pleasure of their appointing officer, the Chair or a Cochair of the Senate Committee on Agriculture, Environment, and Natural Resources or the equivalent committee, ~~and~~ the Chair or a Cochair of the House of Representatives Committee on Environment and Natural Resources or the equivalent ~~committee~~ committee, the Chair or a Cochair of the Senate Committee on Appropriations – Natural and Economic Resources or the equivalent committee, and the Chair or a Cochair of the House of Representatives Committee on Appropriations – Natural and Economic Resources or the equivalent committee.

(b) The President Pro Tempore of the Senate shall designate one Senator to serve as cochair and the Speaker of the House of Representatives shall designate one Representative to serve as cochair.

(c) Except as otherwise provided in this subsection, a member of the Commission shall continue to serve for so long as the member remains a member of the General Assembly and no successor has been appointed. A member of the Commission who does not seek reelection or is not reelected to the General Assembly

may complete a term of service on the Commission until the day on which a new General Assembly convenes. A member of the Commission who resigns or is removed from service in the General Assembly shall be deemed to have resigned or been removed from service on the Commission. Any vacancy that occurs on the Environmental Review Commission shall be filled in the same manner as the original appointment.

(d) A quorum of the Environmental Review Commission shall consist of ~~eight~~ nine members."

SECTION 5. Subsection (a) of Section 4 of S.L. 2001-418 reads as rewritten:

"**SECTION 4.(a)** Notwithstanding G.S. 150B-21.1(d), temporary rules 15A NCAC 2B.0243 and 15A NCAC 2B.0244, which were adopted pursuant to Section 7.1 of S.L. 1999-329 and which became effective on or before 1 July 2001, shall continue in effect until 1 September ~~2003-2004~~ in order to provide sufficient time for the Environmental Management Commission to further consult with businesses and industries, local governments, landowners, and other interested or potentially affected persons in the upper and lower Catawba River Basin as to the appropriate scope of permanent rules to protect water quality and riparian buffers in that river basin. In developing permanent rules, the Commission shall consider whether riparian buffers on the main stem of the Catawba River and on lake shorelines are adequate to protect water quality in the river and whether riparian buffer protection requirements should or should not be extended to some or all of the tributary streams in the river basin, taking into account the sources of water quality degradation in the river, the topography of the land in the river basin, and other relevant factors."

SECTION 6.1. Section 15.4(a) of S.L. 1997-443, as amended by Section 3.1 of S.L. 1999-329, Section 5 of S.L. 2001-254, and Section 1.1 of S.L. 2002-176, reads as rewritten:

"(a) The Department of Environment and Natural Resources shall develop and implement a pilot program to begin no later than 1 November 1997, and to terminate 1 September ~~2003-2005~~, regarding the annual inspections of animal operations that are subject to a permit under Article 21 of Chapter 143 of the General Statutes. The Department shall select two counties located in a part of the State that has a high concentration of swine farms to participate in this pilot program. In addition, Brunswick County shall be added to the program. Notwithstanding G.S. 143-215.10F, the Division of Soil and Water Conservation of the Department of Environment and Natural Resources shall conduct inspections of all animal operations that are subject to a permit under Article 21 of Chapter 143 of the General Statutes in these three counties at least once a year to determine whether any animal waste management system is causing a violation of water quality standards and whether the system is in compliance with its animal waste management plan or any other condition of the permit. The personnel of the Division of Soil and Water Conservation who are to conduct these inspections in each of these three counties shall be located in an office in the county in which that person will be conducting inspections. As part of this pilot program, the Department of Environment and Natural Resources shall establish procedures whereby resources within the local Soil and Water Conservation Districts serving the three counties are used for the quick response to complaints and reported problems previously referred only to the Division of Water Quality of the Department of Environment and Natural Resources."

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SECTION 6.2. Section 3.3 of S.L. 1999-329, as amended by Section 6 of S.L. 2001-254 and Section 1.2 of S.L. 2002-176, reads as rewritten:

"Section 3.3. The Department of Environment and Natural Resources, in consultation with both the Division of Water Quality and the Division of Soil and Water Conservation, shall submit semiannual interim reports no later than ~~15 October 1999, 15 April 2000, and 15 October 2000, 15 April 2001, 15 October 2001, 15 April 2002, and 15 April 2003~~ of each year beginning 15 October 1999 and shall submit a final report no later than ~~15 October 2003~~2005 to the Environmental Review Commission and to the Fiscal Research Division. These reports shall indicate whether the pilot program has increased the effectiveness of the annual inspections program or the response to complaints and reported problems, specifically whether the pilot program had resulted in identifying violations earlier, taking corrective actions earlier, increasing compliance with the animal waste management plans and permit conditions, improving the time to respond to discharges, complaints, and reported problems, improving communications between farmers and Department employees, and any other consequences deemed pertinent by the Department. These reports shall also compare the costs of conducting operations reviews and inspections under the pilot program with the costs of conducting operations reviews and inspections pursuant to G.S. 143-215.10D and G.S. ~~143-215.10F~~143-215.10F and the resources that would be required to expand the pilot program to all counties. The final report shall include a recommendation as to whether to continue or expand the pilot program under this act. The Environmental Review Commission may recommend to the ~~2003~~ General Assembly whether to continue or expand the pilot program under this act and may make any related legislative proposals."

SECTION 7. The moratorium established by Section 1.2 of S.L. 1997-458; as amended by Section 3 of S.L. 1998-188, Section 2.2 of S.L. 1999-329, Section 2 of S.L. 2001-254, and Section 2 of S.L. 2003-266; on new swine farms and lagoons and on the expansion of existing swine farms and lagoons shall not apply to any swine farm or lagoon that would otherwise be prohibited by the moratorium if, on or before 27 August 1997, the Soil and Water Conservation Commission allocated funds under the Agriculture Cost Share Program for Nonpoint Source Pollution Control established pursuant to G.S. 143-215.74 for the construction or expansion of the otherwise prohibited swine farm or lagoon. The Environmental Management Commission may issue a permit for an animal waste management system, as defined by G.S. 143-215.10B, or for a new swine farm or lagoon or the expansion of an existing swine farm or lagoon, as defined in G.S. 106-802, that is authorized by this section.

SECTION 8. If any section or provision of this act is declared unconstitutional or invalid by the courts, the unconstitutional or invalid section or provision does not affect the validity of this act as a whole or any part of this act other than the part declared to be unconstitutional or invalid.

SECTION 9. Section 5 of this act is effective retroactively to 30 June 2003. All other sections of this act are effective when this act becomes law.

The Conference Report is placed on the Calendar for tomorrow, Wednesday, July 9, for adoption.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Courtney Alexandra Beam, Cherryville; Stephen G. Billings, Gastonia; Mary Wills Bode, Raleigh; Lauren Brown, Elizabeth City; Stacey Elizabeth Burgin, Waynesville; Kristen Casper, Rocky Mount; Brent Droege, Durham; Kathryn Droege, Durham; Lindsay Fisher, Knightdale; Emily Grigsby, Goldsboro; Brooke Elizabeth Harrison, Camden; Stephen David Hoyle, Chapel Hill; Kevin S. Kelley, Apex; Shermunda S. Lawrence, Shelby; Stephanie Lauren Loeb, Belmont; James Mackintosh, Raleigh; Brian Mitchell McLean, Ahoskie; Ashley Nealon, Raleigh; Zachary Alexander Padget, Raleigh; Theodore John Solomon III, Gastonia; Meghan Spears, Raleigh; Keri Beth Spivey, Camden; McKinley Brooke Thomas, Beaufort; and Joe Whittlesey, Apex.

Upon motion of Senator Basnight, seconded by Senator Blake, the Senate adjourns at 4:32 P.M. to meet tomorrow, Wednesday, July 9, at 2:00 P.M.

NINETY-FOURTH DAY

Senate Chamber
Wednesday, July 9, 2003

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 Marty Jacumin, Associate Pastor of Bay Leaf Baptist Church, Raleigh, North Carolina as follows:

"Let us pray. Our Father in Heaven, Lord hallowed be thy name. Lord, we can say that, Lord, whether we're at our homes, our places of worship, or here in this Chamber. Lord, I thank you for these individuals gathered here. Lord, you've ordained them, you've set them apart to govern us, and, Lord, we lift them up to you. Lord, I pray for your wisdom, your guidance, and your direction upon them today. Lord, I pray for their families back at home, Lord, that I know miss them, but, Lord, that I know understand they must be here so, Lord, I lift this prayer up for families and friends, Lord, along with the elected officials and, Lord, all those gathered. Lord, we thank you that we can be here today and, Lord, I pray again for your wisdom, your discernment, and your direction upon these individuals. Lord, bless them, Lord, keep them, Lord, keep them safe. Lord, above all, give them your courage and your wisdom. Lord, I pray this prayer in the name of Christ. Amen."

The Chair grants leaves of absence for today to Senator Ballantine, Senator Garwood and Senator Hoyle.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, July 8, has been examined and is found to be correct. Upon his

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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. Susan S. Braithwaire from Durham, North Carolina, who is serving the Senate as Doctor of the Day.

The President extends privileges of the floor to former Senator William Staton from Lee County and former Senator Aaron W. Plyler from Union County.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 716 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE UNIFORM ARBITRATION ACT AND TO ENACT THE REVISED UNIFORM ARBITRATION ACT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 10.

H.B. 1149 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN FREE DISTRIBUTION PUBLICATIONS FROM THE SALES TAX.

Referred to **Finance Committee**.

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

H.B. 401 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF HENDERSON TO GIVE ANNUAL NOTICE TO VIOLATORS OF THE CITY'S WEEDED LOT ORDINANCE, 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, 80344, which changes the title to read **H.B. 401** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF HENDERSON TO CONVEY CERTAIN PROPERTY AT PRIVATE SALE, AND TO ALLOW THE CITY TO ACCEPT A DEED SUBJECT TO A DEED OF TRUST, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 948 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITIES OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND THE WILDLIFE RESOURCES COMMISSION WITH RESPECT TO THE REGULATION OF CERVIDS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Hagan, Hargett, Hartsell, Holloman, Horton, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

H.B. 1006 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT GREATER CONSUMER PROTECTION TO RESIDENTS OF MANUFACTURED HOUSING IN NORTH CAROLINA, TO CLARIFY THE SALES TAX ON MODULAR HOMES, AND TO ESTABLISH MINIMUM CONSTRUCTION AND DESIGN STANDARDS FOR SINGLE-FAMILY MODULAR HOMES, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Hagan, Hargett, Hartsell, Holloman, Horton, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Thursday, July 10, upon third reading.

PRIVILEGES OF THE FLOOR

The President extends privileges of the floor to Dr. Bill Friday, President Emeritus of the University of North Carolina at Chapel Hill, and former Senator Voit Gilmore from Moore County. Dr. Friday and Senator Gilmore are escorted to the Well of the Senate by Senator Swindell, Senator Queen, Senator Horton, Senator Soles, and Senator Blake. Dr. Friday presents the Order of the Long Leaf Pine to Senator Gilmore. Upon motion of Senator Rand, the words of Senator Gilmore are spread upon the journal as follows:

Former Senator Voit Gilmore:

“Distinguished Governor and Mr. President *Pro Tempore*, Honorable members of this body and Ladies and Gentlemen, I was just walking by and Bill Friday stopped me and said, ‘Would you step in for a minute?’ and I didn’t know any more about this

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than what just happened at this moment. If I had known what was going to happen I could have made a much longer speech than probably I will now say in the next three minutes, but my thoughts go back to the 1960's when this august body that I was honored to be a member of was wrestling with an assortment of things, some budget problems but not like yours. That was even the day when Harry Golden over in Charlotte with a Carolina Israelite proposed on a very hot July day that North Carolina have a bill to hang a sign on every public drinking fountain that said 'Whites Only-Out of Order' and all the whites in North Carolina were to stand back and look at the colored water fountains for colored only and see the waters coming out of them. A daring thing, but it was sort of funny, but it was also part of the reality that we inherited back in the 1960's. Then, as I stand in this Chamber, I think of the fact that women were not getting an equal right in job employment, economic opportunities, social opportunities. I was pleased to be part of the Commission on the Status of Women that brought recognition to the fact that we not only needed equality in races but equality in sexes as well.

"Then we saw the forthcoming doom of textiles and tobacco and we decided to add another 'T' to it called tourism. We got busy talking, Senator, about the beauties of the East Coast, about the Piedmont, about the Sandhills, about the Mountains. Visit North Carolina, visit NC. Variety Vacationland became the watchword that this body sponsored and made great.

"I think of so many things in those days that were wonderful for us, and I remember that Gordon Gray, who was Bill Friday's predecessor at the University as President and who had been Truman's Secretary of War, who had been a North Carolina State Senator along with being publisher of the Journal-Sentinel, said 'You know, I have had many opportunities in public service, but the satisfaction of being in the North Carolina Senate and being able to have hands on in the making of legislation for a great, wonderful State and for the people in it is probably the greatest satisfaction of my life.'

"So with the honor of having Bill Friday, who our hometown paper the other day has declared the greatest living North Carolinian, and I salute that recognition, and often the most selectable person in all of North Carolina, regardless of party, if he would just bend over and take an office. To have Bill Friday give me this honor and to let you be the audience for my distinction fills me with great gratitude indeed. I'm proud of our State, love our State, love what you folks are giving so much to do to make it even greater, and I am honored to be with you today. Thank you so much."

Upon motion of Senator Blake, the President extends the courtesies of the gallery to Mrs. Jody Gilmore, wife of Senator Gilmore; Mr. David Gilmore, son of Senator Gilmore, Mrs. Kathryn Bell, daughter of Senator Gilmore, and Mr. and Mrs. Lawrence Johnson, friends of Senator Gilmore.

The President extends privileges of the floor to Jeffrey Postell, the Police Officer from Murphy, N.C. who captured Eric Rudolph; The Honorable Bill Hughes, Mayor of Murphy; Sheriff Ronald "Keith" Lovin, Cherokee County Sheriff; and Mr. Mark Thigpen, Murphy Police Chief. They are escorted into the Chamber by Senator Carpenter, Senator Rand, Senator Bingham, Senator Thomas, and Senator Carrington. Upon motion of Senator Foxx, the words of Mayor Bill Hughes, Sheriff Keith Lovin, Chief Mark Thigpen, and Officer Jeffrey Postell are spread upon the journal as follows:

The Honorable Bill Hughes, Mayor of Murphy:

"Good afternoon, we're certainly delighted to be here. Madame President, President *Pro Tempore*, Representative West, Senator Carpenter, honorable members of the Senate and visitors. You'll have to forgive me if I seem just put back a bit by this moment because never in my wildest imagination did I ever dream I would be addressing the Senate of this great State. I think I could best describe this as being a delightfully overwhelming experience this afternoon. But we do indeed appreciate the opportunity to be here today. We appreciate the treatment that you have given us and thank you so much for giving us a few minutes. I have three gentlemen with me this afternoon that I will be introducing in just a moment of whom we're, of course, very proud. I bring you greetings from the far west, specifically Murphy and Cherokee County. I'm happy to report to you today that life is beginning to return to normal again. Contrary to what you may read in the New York Times, Murphy, North Carolina is not a 'sawmill, cow pasture hamlet.' I don't recall ever having seen anything like that and I can't think of a better place to set the record straight than right here in this great Chamber so thank you for giving me that opportunity today. Thank you so much. They put me first in our program because they saved the best for last. We have a gentleman here, and I use gentleman in the truest sense of the word, of whom we are so very proud – Officer Jeffrey Postell. Jeffrey is a fine young gentleman. Not only is he a top-notch professional, but he is just a genuinely fine person. He exemplifies, in my opinion, everything that anyone going into law enforcement might possess as far as personality, capability, determination, absolute determination to enforce the law, common sense, fairness, and all of those good qualities that go into making a fine police officer. It is indeed my pleasure and my honor at this time to present to you Officer Jeffrey Postell."

Officer Jeffrey Postell:

"Like Mayor Hughes said, we are very honored to be here and it is indeed our honor and we're thankful that y'all folks allowed us to come down. Just a brief history on my part, I grew up living in Cherokee County and I always dreamed of being a police officer, ever since I was a baby. I believe my first words revolved around something dealing with law enforcement. You can only imagine what I'm going through up here. It's a very great honor and we appreciate it. I don't believe I deserve this, but we appreciate everything y'all have done for us here in the State of North Carolina. Thank you."

Chief Mark Thigpen, Murphy Police Chief:

"I'll be very brief. Senator Carpenter told me earlier this afternoon that if you were brief you might be invited back. I would just like to thank you. We came in last night, spent the day here on the grounds of the Capitol, the Legislature, and the Senate. The hospitality has just been overwhelming and we very much appreciate the support that we receive from our government. The joke has always been, 'I'm here from Raleigh. I'm here to help.' That is true. We really do get help from Raleigh and we appreciate it and we appreciate the hospitality and the gestures and for your support for those of us in the law enforcement community."

Sheriff Keith Lovin, Cherokee County Sheriff:

"I'd like to echo what Chief Thigpen has said. We experienced a real big event on one weekend in Murphy and in Cherokee County and all we had to do is ask, and in

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some cases not ask, and we had the support of not only all the other Sheriffs in North Carolina, but the police departments and other state agencies, the Highway Patrol, the Wildlife, State Board of Investigation, were there almost immediately to help us and we are truly grateful for that. If you members have any doubt about the wisdom of your criminal justice system that you vote on and support all the time, all you have to do is look at the fine officer that you have and Officer Jeff Postell is a shining example of what that system represents. We do thank you for this honor. Thank you very much.”

The Honorable Bill Hughes, Mayor of Murphy:

“Thank you again for the opportunity of being here this afternoon. This means a great deal to us. This is something we shall not forget and all of you have the most cordial and the warmest invitation to please come west. May I assure you that we have no genetic predisposition to become toothless, want to go barefoot, or drink corn whiskey. I don’t know exactly where one might go to find that type of stereotype, I would suggest you try Hollywood, California. I believe that’s where it was created. Thank you very much this afternoon and may God bless you and may God bless our great State. Thank you so much, you’ve been wonderful.”

Senator Rand:

“Madame President, Mr. President *Pro Tempore*, Lord Mayor, Sheriff, High Sheriff, and the Chief, and the man that made it all possible, we’re delighted to be here today to celebrate really what law enforcement in North Carolina is all about. I doubt that many people in here read the New York Times and the few that do don’t pay much attention to it. I don’t think you need to be too concerned about that. We are delighted today to celebrate what law enforcement in North Carolina is. The fact that the federal government devoted no telling what amount of resources to this and we’re just delighted that the people who make North Carolina safe every day and who look after our people and make us the kind of society we are, that they’re the people that cleared all this up. So I think this is a great tribute to the men and women who go out every day and risk their lives to make us all safer and make our society a better place for us to live. So Officer, we just say to you thank you for what you do. Thank you for the image and the way you have shown the rest of the nation what law enforcement in North Carolina is. We’re very proud of you and we’re very proud of all the people in North Carolina and we’re delighted that the nation now has a better idea of what we’re about and the kind of people that live in North Carolina and make it great. Thank You.”

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 934 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A REGISTRATION FEE FOR THE AUTHORIZATION OF A PRIVATE FACILITY TO SERVE DWI OFFENDERS AND TO INCREASE THE FEE FOR A SUBSTANCE ABUSE ASSESSMENT CONDUCTED BY AN ASSESSING AGENCY.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 934 on July 8 and the motion by Senator Kerr to appoint conferees having prevailed, the President *Pro Tempore* announces the appointment of Senator Kerr, Chair; Senator Dalton; Senator Metcalf and Senator Hartsell 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.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 89, AN ACT TO ESTABLISH THE LAKE LURE MARINE COMMISSION.

S.B. 293, AN ACT TO AMEND THE LAW GOVERNING SALES REPRESENTATIVE COMMISSIONS.

S.B. 529, AN ACT TO AUTHORIZE WATER AND SEWER AUTHORITIES TO USE THE SETOFF DEBT COLLECTION ACT.

S.B. 774, AN ACT TO ESTABLISH THE DUTIES OF OPERATORS OF SKATEBOARD PARKS, TO ESTABLISH THE DUTIES OF PERSONS WHO ENGAGE IN CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES, AND TO LIMIT THE LIABILITY OF GOVERNMENTAL ENTITIES FOR DAMAGE OR INJURIES THAT ARISE OUT OF A PERSON'S PARTICIPATION IN CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES AND THAT OCCUR IN AN AREA DESIGNATED FOR CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES.

S.B. 876, AN ACT TO REQUIRE PHYSICIANS WHO DISPENSE THE CONTROLLED SUBSTANCE BUPRENORPHINE FOR THE TREATMENT OF OPIATE DEPENDENCE TO REGISTER WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

H.B. 394, AN ACT CLARIFYING THE LAW PERTAINING TO LEGAL DEADLINES FALLING ON A HOLIDAY.

H.B. 425, AN ACT TO AMEND THE REQUIREMENT THAT SMALL HORSE TRAILERS DESIGNED TO CARRY FOUR OR FEWER HORSES MUST STOP AT PERMANENT WEIGH STATIONS.

H.B. 944, AN ACT TO REQUIRE CERTAIN NOTIFICATIONS BEFORE A TOWER MAY COLLECT CERTAIN CHARGES.

H.B. 1118, AN ACT TO REQUIRE SIGNS TO BE POSTED WARNING OF THE POSSIBLE DANGERS OF CONSUMPTION OF ALCOHOL DURING PREGNANCY.

Upon motion of Senator Basnight, all bills ordered sent to the House of Representatives through the end of the Session will be sent by special message.

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CALENDAR (*continued*)

H.B. 47 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING THE CAROLINA LILY AS THE OFFICIAL WILDFLOWER OF NORTH CAROLINA.

The Committee Substitute bill passes its second (46-1) and third readings and is ordered enrolled and sent to the Governor.

H.B. 743, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NURSE TESTIMONIAL PRIVILEGE.

The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 897 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE SOLVENCY OF THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND AND THE NONCOMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND BY TEMPORARILY REQUIRING THAT CLEANUPS PROCEED ONLY AFTER PREAPPROVAL BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES PURSUANT TO A SCHEDULE BASED ON THE DEGREE OF RISK TO HUMAN HEALTH AND THE ENVIRONMENT AND OTHER FACTORS; TO PROVIDE THAT PAYMENT OR REIMBURSEMENT FROM THE COMMERCIAL FUND AND NONCOMMERCIAL FUND BE LIMITED TO THAT NECESSARY TO ACHIEVE THE MOST COST-EFFECTIVE CLEANUP; TO PROVIDE FOR THE IMPLEMENTATION OF PERFORMANCE-BASED CLEANUPS; TO MINIMIZE FUTURE DISCHARGES AND RELEASES BY AUTHORIZING THE ADOPTION OF RULES TO REQUIRE THE USE OF SECONDARY CONTAINMENT FOR PETROLEUM UNDERGROUND STORAGE TANK SYSTEMS; TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES TO REDUCE CERTAIN TESTING REQUIREMENTS APPLICABLE TO THE LEAKING UNDERGROUND STORAGE TANK CLEANUP PROGRAM TO REDUCE COSTS; TO PROVIDE THAT A MIXED PLUME OF CONTAMINATION THAT RESULTS FROM RELEASES OF PETROLEUM FROM BOTH AN UNDERGROUND STORAGE TANK AND AN ABOVEGROUND STORAGE TANK OR OTHER SOURCE MAY BE CLEANED UP UNDER THE RISK-BASED CLEANUP RULES APPLICABLE TO RELEASES FROM PETROLEUM UNDERGROUND STORAGE TANKS; AND TO AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP PROGRAM IN ORDER TO PROTECT PROPERTY VALUES, ENSURE TIMELY REIMBURSEMENT OF PERSONS WHO ENGAGE IN CLEANUPS, AND PROTECT GROUNDWATER.

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. 974 (Senate Committee Substitute No. 3), A BILL TO BE ENTITLED AN

ACT TO PROHIBIT THE PURCHASE OF RECONSTITUTED OR RECOMBINED FLUID MILK BY ANY DEPARTMENT, INSTITUTION, OR AGENCY OF THE STATE.

The Senate Committee Substitute bill No. 3 passes its second reading (34-13).

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, July 10.

H.B. 1294 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE QUALIFIED BUSINESS INVESTMENTS TAX CREDIT AND TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT.

Senator Kerr offers Amendment No. 1 which is adopted (45-0).

Senator Kinnaird offers Amendment No. 2 which fails of adoption (5-42).

Senator Kinnaird announces a pair vote. If Senator Ballantine were present, he would vote "aye"; Senator Kinnaird votes "no".

The Senate Committee Substitute bill, as amended, passes its second (43-3) and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

S.B. 672 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE QUALITY AND ACCOUNTABILITY OF THE PUBLIC HEALTH SYSTEM BY STRENGTHENING THE PUBLIC HEALTH INFRASTRUCTURE, TO IMPROVE PUBLIC HEALTH OUTCOMES AND REDUCE HEALTH DISPARITIES BY THE DEVELOPMENT AND IMPLEMENTATION OF A STATE PLAN FOR PUBLIC HEALTH SERVICES, AND TO IMPROVE THE PUBLIC HEALTH WORKFORCE.

The Committee Substitute bill No. 2 passes its third reading (45-2) and is ordered sent to the House of Representatives by special message.

S.B. 119 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE TAX CREDITS FOR HISTORIC REHABILITATION BY EXTENDING THE SUNSET ON A PROVISION ALLOWING A PASS-THROUGH ENTITY TO ALLOCATE AMONG ITS OWNERS THE TAX CREDIT FOR INCOME-PRODUCING STRUCTURES AND INCREASING THE AMOUNT THAT MAY BE ALLOCATED TO AN OWNER UNDER THIS PROVISION, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Horton, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—46.

Voting in the negative: Senator Webster—1.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 919 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT

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TO ENHANCE THE SAFETY OF VICTIMS IN SERIOUS DOMESTIC VIOLENCE CASES, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 44, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

Voting in the negative: Senators Brock, Sloan and Webster—3.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

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.

S.B. 824 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES TO: (1) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS; (2) AMEND THE REPORTING REQUIREMENT SET OUT IN S.L. 2001-442; (3) CLARIFY WHAT CONSTITUTES A BASE OF OPERATIONS FOR MOBILE FOOD UNITS AND PUSHCARTS; (4) INCREASE THE MEMBERSHIP OF THE ENVIRONMENTAL REVIEW COMMISSION BY TWO; (5) EXTEND BY ONE YEAR THE TIME THAT TEMPORARY RULES TO PROTECT WATER QUALITY AND RIPARIAN BUFFERS IN CERTAIN RIVER BASINS WILL REMAIN IN EFFECT; (6) EXTEND BY TWO YEARS THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS INITIALLY ESTABLISHED BY SECTION 15.4 OF S.L. 1997-443; AND (7) ESTABLISH AN EXCEPTION TO THE MORATORIUM INITIALLY ESTABLISHED BY SECTION 1.2 OF S.L. 1997-458 FOR FACILITIES THAT WERE APPROVED FOR FUNDING UNDER THE AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL AT THE TIME THE MORATORIUM WAS ESTABLISHED, for adoption.

Upon motion of Senator Albertson, the Senate adopts the Conference Report (47-0).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is 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 SB 824 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES TO: (1) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS; (2) AMEND THE REPORTING REQUIREMENT SET OUT IN S.L. 2001-442; (3) CLARIFY WHAT CONSTITUTES A BASE OF OPERATIONS FOR MOBILE FOOD UNITS AND PUSHCARTS; (4) INCREASE THE MEMBERSHIP OF THE ENVIRONMENTAL REVIEW COMMISSION BY TWO; (5) EXTEND BY ONE YEAR THE TIME THAT TEMPORARY RULES TO PROTECT WATER QUALITY AND RIPARIAN BUFFERS IN CERTAIN RIVER BASINS WILL REMAIN IN EFFECT; (6) EXTEND BY TWO YEARS THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS INITIALLY ESTABLISHED BY SECTION 15.4 OF S.L. 1997-443; AND (7) ESTABLISH AN EXCEPTION TO THE MORATORIUM INITIALLY ESTABLISHED BY SECTION 1.2 OF S.L. 1997-458 FOR FACILITIES THAT WERE APPROVED FOR FUNDING UNDER THE AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL AT THE TIME THE MORATORIUM WAS ESTABLISHED.

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 earlier today, the bill is ordered enrolled and sent to the Governor.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Commerce Committee**:

H.B. 999, A BILL TO BE ENTITLED AN ACT MAKING VOID AND UNENFORCEABLE AS A MATTER OF PUBLIC POLICY ANY PROVISION IN ANY AGREEMENT OR CONTRACT THAT PROHIBITS THE REUSING, REMANUFACTURING, OR REFILLING OF A TONER OR INKJET CARTRIDGE, 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 60367 is adopted and engrossed.

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By Senator Kerr for the **Finance Committee**:

H.B. 1049 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW LICENSED PSYCHOLOGICAL ASSOCIATES TO RECEIVE PAYMENT FOR SERVICES FROM INSURERS AND TO INCREASE THE FEE THE PSYCHOLOGY BOARD MAY CHARGE FOR A TEMPORARY LICENSE, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

S.B. 168, A BILL TO BE ENTITLED AN ACT RELATING TO THE 12TH 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 40066, which changes the title to read **S.B. 168** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CREATION OF ECONOMIC DEVELOPMENT AND TRAINING DISTRICTS, is adopted and engrossed.

H.B. 697 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF TROY AND ITS REDEVELOPMENT COMMISSION TO ACQUIRE PROPERTY WITHIN A REDEVELOPMENT AREA USING THE "QUICK TAKE" PROCEDURE, 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 60388, which changes the title to read **H.B. 697** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF TROY AND ITS REDEVELOPMENT COMMISSION TO ACQUIRE PROPERTY WITHIN A REDEVELOPMENT AREA USING THE "QUICK TAKE" PROCEDURE, TO REVISE AND CONSOLIDATE THE CHARTERS OF THE TOWNS OF PEACHLAND AND POLKTON, AND TO ALLOW THE CITY OF HICKORY TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES, is adopted and engrossed.

H.B. 1028 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES TO ESTABLISH A GENERAL PERMIT FOR THE CONSTRUCTION OF RIPRAP SILLS FOR WETLAND ENHANCEMENT AND SHORELINE PROTECTION IN ESTUARINE AND PUBLIC TRUST WATERS, TO PROHIBIT THE CONSTRUCTION OF PERMANENT EROSION CONTROL STRUCTURES IN OCEAN HAZARD AREAS, AND TO PROVIDE THAT TEMPORARY EROSION CONTROL STRUCTURES IN OCEAN HAZARD AREAS SHALL BE LIMITED TO SANDBAGS, 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, 30404, which changes the title to read **H.B. 1028** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES TO ESTABLISH A GENERAL PERMIT FOR THE CONSTRUCTION OF RIPRAP SILLS FOR WETLAND ENHANCEMENT AND SHORELINE

PROTECTION IN ESTUARINE AND PUBLIC TRUST WATERS, TO PROHIBIT THE CONSTRUCTION OF PERMANENT EROSION CONTROL STRUCTURES IN OCEAN SHORELINES, AND TO PROVIDE THAT TEMPORARY EROSION CONTROL STRUCTURES IN OCEAN SHORELINES SHALL BE LIMITED TO SANDBAGS, is adopted and engrossed.

Upon motion of Senator Kerr, the Senate Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, July 15.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1170 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE BENEFITS OF MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES RETIREMENT SYSTEM.

Referred to the **Pensions & Retirement and Aging Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

Upon motion of Senator Dannelly, seconded by Senator Apodaca, the Senate adjourns at 4:18 P.M. to meet tomorrow, Thursday, July 10, at 10:00 A.M.

NINETY-FIFTH DAY

Senate Chamber
Thursday, July 10, 2003

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, may this session of the General Assembly that will be drawing to a close soon always act to teach us.

"Help us to be realistic about its accomplishments and about ourselves. Always accompanying the credit for our successes is the responsibility we bear for not accomplishing all we had hoped for.

"So, give us the grace to take things as they are and to resolve by Your help to continue to work diligently to make them what they ought to be. In Your Holy Name we pray, Amen."

The Chair grants leaves of absence for today to Senator Ballantine, Senator Garrou, Senator Garwood, Senator Hoyle and Senator Rucho.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, 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.

July 10, 2003

The President of the Senate extends courtesies of the floor to Dr. Lindsey L. White from Elizabeth City, 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.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 119, AN ACT TO EXPAND THE TAX CREDITS FOR HISTORIC REHABILITATION BY EXTENDING THE SUNSET ON A PROVISION ALLOWING A PASS-THROUGH ENTITY TO ALLOCATE AMONG ITS OWNERS THE TAX CREDIT FOR INCOME-PRODUCING STRUCTURES AND INCREASING THE AMOUNT THAT MAY BE ALLOCATED TO AN OWNER UNDER THIS PROVISION.

S.B. 592, AN ACT AUTHORIZING THE NORTH CAROLINA STATE BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS TO ACQUIRE REAL PROPERTY, AND TO INCREASE THE CIVIL PENALTY ON ENGINEERS FROM TWO THOUSAND DOLLARS TO FIVE THOUSAND DOLLARS FOR VIOLATIONS OF THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT AND CLARIFYING THE REINSTATEMENT REQUIREMENTS UNDER THE ACT.

S.B. 824, AN ACT TO AMEND VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES TO: (1) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS; (2) AMEND THE REPORTING REQUIREMENT SET OUT IN S.L. 2001-442; (3) CLARIFY WHAT CONSTITUTES A BASE OF OPERATIONS FOR MOBILE FOOD UNITS AND PUSHCARTS; (4) INCREASE THE MEMBERSHIP OF THE ENVIRONMENTAL REVIEW COMMISSION BY TWO; (5) EXTEND BY ONE YEAR THE TIME THAT TEMPORARY RULES TO PROTECT WATER QUALITY AND RIPARIAN BUFFERS IN CERTAIN RIVER BASINS WILL REMAIN IN EFFECT; (6) EXTEND BY TWO YEARS THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS INITIALLY ESTABLISHED BY SECTION 15.4 OF S.L. 1997-443; AND (7) ESTABLISH AN EXCEPTION TO THE MORATORIUM INITIALLY ESTABLISHED BY SECTION 1.2 OF S.L. 1997-458 FOR FACILITIES THAT WERE APPROVED FOR FUNDING UNDER THE AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL AT THE TIME THE MORATORIUM WAS ESTABLISHED.

S.B. 919, AN ACT TO ENHANCE THE SAFETY OF VICTIMS IN SERIOUS DOMESTIC VIOLENCE CASES.

S.B. 939, AN ACT TO EXTEND THE SURCHARGE FOR THE TELECOMMUNICATIONS RELAY SERVICE TO INCLUDE WIRELESS COMMUNICATIONS.

H.B. 47, AN ACT ADOPTING THE CAROLINA LILY AS THE OFFICIAL WILDFLOWER OF NORTH CAROLINA.

H.B. 152, AN ACT TO REQUIRE CHILD CARE FACILITIES TO DEVELOP AND MAINTAIN A SAFE SLEEP POLICY THAT INCLUDES REQUIRING CAREGIVERS TO PLACE CHILDREN ON THEIR BACK TO SLEEP TO REDUCE THE RISK OF SUDDEN INFANT DEATH SYNDROME (SIDS), AND TO REQUIRE CERTAIN AGENCIES AND THE MEDICAL COMMUNITY TO COOPERATE IN INVESTIGATING REPORTS OF CHILD ABUSE AND NEGLECT IN CHILD CARE FACILITIES.

H.B. 743, AN ACT TO ESTABLISH A NURSE TESTIMONIAL PRIVILEGE.

H.B. 907, AN ACT TO AMEND THE LAWS RELATING TO THE COUNCIL FOR THE DEAF AND THE HARD OF HEARING, TO INCREASE THE MEMBERS ON THE COUNCIL, AND TO CHANGE THE APPOINTING AUTHORITY FOR TWO OF THE MEMBERS APPOINTED TO THE COUNCIL.

H.B. 948, AN ACT TO CLARIFY THE AUTHORITIES OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND THE WILDLIFE RESOURCES COMMISSION WITH RESPECT TO THE REGULATION OF CERVIDS.

H.B. 1074, AN ACT TO REVISE A STATUTE TO CREATE A BUTNER ADVISORY COUNCIL SO AS TO ELECT ALL MEMBERS AT LARGE IN ONE MULTISEAT RACE AND ELIMINATE STAGGERED TERMS; TO DEFINE THE ELECTORAL JURISDICTION OF THE COUNCIL AND THE JURISDICTION OF SPECIAL POLICE OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY; TO AMEND THE LEGISLATION IN OTHER NEEDED WAYS; AND TO CORRECT THE BOUNDARY BETWEEN THE NASH-ROCKY MOUNT SCHOOL ADMINISTRATIVE UNIT AND THE EDGEcombe COUNTY PUBLIC SCHOOL SYSTEM.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 408, AN ACT TO ALLOW THE CITY OF EDEN TO NEGOTIATE ANNEXATION CONTRACTS.

H.B. 685, AN ACT TO INCORPORATE THE TOWN OF SUNSET HARBOR.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

S.J.R. 608 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF TIMOTHY REESE MCLAURIN.

Upon motion of Senator Rand, the joint resolution is taken up out of its regular order of business and is placed before the Senate for immediate consideration.

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Upon motion of Senator Rand, the joint resolution is read in its entirety by Senator Horton and, upon motion of Senator Foxx, the remarks of Senator Rand are spread upon the Journal, as follows:

Senator Rand:

“Thank you, Madame President and Ladies and Gentlemen of the Senate, and thank you, Senator Horton, for beautifully reading this. The last words are from the book, *The Keeper of the Moon*, which was written by Tim McLaurin. The McLaurin family has a long history in Cumberland County. I have known a great number of them and have enjoyed them hugely and immensely and to be a friend of Tim McLaurin’s, to be exposed to him, was a rare treat and one that I valued immensely. He came to see to me one time and he was sitting there and his finger was sticking out in a funny sort of way and I said, ‘What did you do to your finger?’ He said, ‘Oh, I was going home the other night and I stopped and got me a drink and I was going up the road and my old truck has a stick shift.’ He said, ‘I saw a snake crawling across the road, so I stopped and caught it and I was holding the snake and holding the drink and shifting the gears of my old truck and the snake got loose and bit me.’ He was that kind of fellow. He was a snake handler.

“He writes in his books about his snake handling and he tells a story that he had two big rattlesnakes and he was putting the water in the cage one day and he said he was a little hung over, that’s in his book. I don’t want to mischaracterize him, but I don’t think he’d mind me telling you that, and he dropped the water bowl and both of the snakes struck him at the same time. I never knew this, but a rattlesnake can give a dry bite, and neither one injected any poison into him because they were used to him, and apparently, a snake has to load up before he can let you have it. I mean, these were things that I learned from Tim McLaurin that I didn’t particularly want to know, but it’s really interesting. I mean, and there was a lot of that with him.

“If you read *The Keeper of the Moon*, you are deeply affected by his love of the land and his love of North Carolina, his love for his family, his fight with cancer. All that is characterized in there. I highly recommend it to all of you because it is wonderfully done and a great picture of what it really means to grow up on the farm in North Carolina. He was a rare person, a great friend, a great associate. The resolution was written by his friends as a tribute to him and I think it does have a lot to say about the kind of person he was and about his rare and wonderful spirit.

“We were fortunate to have him among us for the time we did. His passing was certainly too early and leaves a void in the lives of all of us and a void really in the creative life of North Carolina, because his willingness to impart his craft and to help the young people that he taught was obvious to all who knew him. So it was a wonderful thing that he did. We are fortunate to have him as long as we did and we will certainly miss him. I ask your support for the resolution.”

The joint resolution passes its second reading (45-0) and third reading with members standing, and is ordered sent to the House of Representatives.

The President extends the courtesies of the gallery to Carol McLaurin, his wife; Meghan McLaurin, his daughter; Christopher McLaurin, his son; and George Terrell, Lucinda Macketha, Mary Miller, Dave Williamson, and Tim Harrellson, friends of Mr. McLaurin.

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. 471 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO BRING STATE LAW INTO COMPLIANCE WITH RECENTLY ADOPTED FEDERAL REGULATIONS CONCERNING THE EFFECT OF VIOLATION OF RAILROAD CROSSING SAFETY AND OTHER STATE LAWS ON COMMERCIAL DRIVERS LICENSES, AND REQUIRING A NEW "S" ENDORSEMENT FOR PERSONS OPERATING SCHOOL BUSES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE; AND TO REQUIRE A MOPED IDENTIFICATION TAG, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the **Finance Committee**.

H.B. 497, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE AUTHORIZATION FOR CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW, with a favorable report.

By Senator Kerr for the **Finance Committee**:

S.B. 20, A BILL TO BE ENTITLED AN ACT TO REQUIRE LICENSURE OF 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 40069 is adopted and engrossed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 236 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE DIVIDEND RECEIVED DEDUCTION FOR REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS TO ENSURE THAT ALL DIVIDENDS ARE TREATED UNIFORMLY, TO EXTEND FOR TWO YEARS THE DEPARTMENT OF REVENUE'S AUTHORITY TO OUTSOURCE THE COLLECTION OF IN-STATE TAX DEBTS, TO AMEND THE MOTOR FUEL TAX LAWS, AND TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 14.

S.B. 452 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT

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CONCERNING SATELLITE ANNEXATIONS BY MUNICIPALITIES IN UNION COUNTY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 14.

S.B. 655 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE DEFINITION OF LOCKSMITH SERVICES UNDER THE LOCKSMITH LICENSING ACT, TO AMEND THE POWERS OF THE NORTH CAROLINA LOCKSMITH LICENSING BOARD TO ALLOW THE BOARD TO EMPLOY AN ATTORNEY AND HAVE CONDUCTED CRIMINAL HISTORY RECORD CHECKS ON APPLICANTS, TO AMEND THE LOCKSMITH LICENSING ACT TO ALLOW THE BOARD TO REGULATE APPRENTICE LOCKSMITHS AND COLLECT FEES, TO CLARIFY THE EXEMPTION FOR GENERAL CONTRACTORS, TO CLARIFY THE EXEMPTION FOR TOWING SERVICES UNDER THE ACT, AND TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS OF APPLICANTS FOR LICENSURE OR APPRENTICE DESIGNATION AS A LOCKSMITH, for concurrence in House Amendment No. 1.

The Committee Substitute bill No. 2 is placed on the Calendar for Monday, July 14.

S.B. 800 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM FEES THAT THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS MAY ASSESS AND MAKE CHANGES TO THE MASSAGE AND BODYWORK THERAPY LAWS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 14.

S.B. 993 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE ABILITY OF THE STATE BOARD OF EDUCATION TO SAFEGUARD SCHOOLCHILDREN THROUGH AUTOMATIC REVOCATION OF TEACHER CERTIFICATES UPON CONVICTION OF CERTAIN CRIMES, AND THE USE OF INVESTIGATIVE SERVICES AS NEEDED, for concurrence in House Amendment No. 3.

The Committee Substitute bill is placed on the Calendar for Monday, July 14.

CALENDAR *(continued)*

S.B. 453 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE MONROE OCCUPANCY TAX AND TO AUTHORIZE UNION COUNTY TO LEVY A ROOM OCCUPANCY TAX AND TOURISM DEVELOPMENT TAX, upon second reading.

Senator Shubert offers Amendment No. 1 which fails of adoption (22-23).

The Committee Substitute bill fails its second reading, by roll-call vote, ayes 19, noes 26, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Forrester, Foxx, Hartsell, Horton, Pittenger, Shubert,

Sloan, Smith, Stevens, Tillman and Webster—19.

Voting in the negative: Senators Albertson, Basnight, Clodfelter, Dalton, Dannelly, Dorsett, Gulley, Hagan, Hargett, Holloman, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Purcell, Queen, Rand, Reeves, Shaw, Soles, Swindell, Thomas and Weinstein—26.

H.B. 697 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF TROY AND ITS REDEVELOPMENT COMMISSION TO ACQUIRE PROPERTY WITHIN A REDEVELOPMENT AREA USING THE "QUICK TAKE" PROCEDURE, TO REVISE AND CONSOLIDATE THE CHARTERS OF THE TOWNS OF PEACHLAND AND POLKTON, AND TO ALLOW THE CITY OF HICKORY TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 41, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—41.

Voting in the negative: Senators Foxx, Shaw, Shubert and Webster—4.

The Senate Committee Substitute bill remains on the Calendar for Monday, July 14, upon third reading.

H.B. 401 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF HENDERSON TO CONVEY CERTAIN PROPERTY AT PRIVATE SALE, AND TO ALLOW THE CITY TO ACCEPT A DEED SUBJECT TO A DEED OF TRUST.

The Senate Committee Substitute bill passes its second 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. 1006 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT GREATER CONSUMER PROTECTION TO RESIDENTS OF MANUFACTURED HOUSING IN NORTH CAROLINA, TO CLARIFY THE SALES TAX ON MODULAR HOMES, AND TO ESTABLISH MINIMUM CONSTRUCTION AND DESIGN STANDARDS FOR SINGLE-FAMILY MODULAR HOMES, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

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The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

S.B. 168 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CREATION OF ECONOMIC DEVELOPMENT AND TRAINING DISTRICTS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill remains on the Calendar for Monday, July 14, upon third reading.

H.B. 1049 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW LICENSED PSYCHOLOGICAL ASSOCIATES TO RECEIVE PAYMENT FOR SERVICES FROM INSURERS AND TO INCREASE THE FEE THE PSYCHOLOGY BOARD MAY CHARGE FOR A TEMPORARY LICENSE, as amended by the Finance Committee, upon second reading.

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Gulley, Hagan, Hargett, Hartsell, Holloman, Horton, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill, as amended, remains on the Calendar for Monday, July 14, upon third reading.

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. 999 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING VOID AND UNENFORCEABLE AS A MATTER OF PUBLIC POLICY ANY PROVISION IN ANY AGREEMENT OR CONTRACT THAT PROHIBITS THE REUSING, REMANUFACTURING, OR REFILLING OF A TONER OR INKJET CARTRIDGE.

Without objection, Senator Clodfelter requests to be excused from voting on the bill due to a conflict of interest.

The Senate Committee Substitute bill passes its second (39-5) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1062 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE COMMUNITY WATER SYSTEMS THAT REGULARLY SERVE ONE THOUSAND OR MORE SERVICE CONNECTIONS OR THREE THOUSAND OR MORE INDIVIDUALS TO PREPARE LOCAL WATER SUPPLY PLANS AND TO AUTHORIZE THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO MAKE DROUGHT DESIGNATIONS.

Pursuant to the message from the House of Representatives received on July 8 that the House fails to concur in the Senate Committee Substitute bill for H.B. 1062 and requests conferees, the President *Pro Tempore* appoints Senator Hartsell, Chair; and Senator Albertson and Senator Jenkins as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (*continued*)

H.B. 974 (Senate Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE PURCHASE OF RECONSTITUTED OR RECOMBINED FLUID MILK BY ANY DEPARTMENT, INSTITUTION, OR AGENCY OF THE STATE.

The Senate Committee Substitute bill No. 3 passes its third reading (39-6) and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill No. 3.

S.B. 716 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE UNIFORM ARBITRATION ACT AND TO ENACT THE REVISED UNIFORM ARBITRATION ACT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 847 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY LATE FEES CHARGED TO RESIDENTIAL TENANTS.

Upon motion of Senator Gulley, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 15.

S.B. 925 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS TO PREVENT SECURITIES FRAUD AND TO CLARIFY THE PROHIBITION ON STATE CONTRACTS 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, for concurrence in the House Committee Substitute bill.

July 10, 2003

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled and sent to the Governor.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 147 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN A PEDESTRIAN HAS THE RIGHT-OF-WAY, TO INCREASE THE PENALTY AND DRIVERS LICENSE POINTS ASSESSED FOR FAILING TO YIELD THE RIGHT-OF-WAY TO A PEDESTRIAN; AND TO STUDY PEDESTRIAN ACCIDENTS WHERE VEHICLES ARE TURNING RIGHT AT A RED LIGHT.

Pursuant to the message from the House of Representatives received on June 25 that the House fails to concur in the Senate Committee Substitute bill for H.B. 147 and requests conferees, the President *Pro Tempore* appoints Senator Gulley, Chair; and Senator Dalton; Senator Dorsett; Senator Malone; Senator Brock; and Senator Kinnaird 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 Dannelly, seconded by Senator Carpenter, the Senate adjourns at 11:44 A.M. subject to receipt of committee reports, to meet Monday, July 14, at 7:00 P.M.

NINETY-SIXTH DAY

Senate Chamber
Monday, July 14, 2003

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 Inskeep, Associate Pastor, First Presbyterian Church, Raleigh, NC as follows:

"I presume you're eager to head home after resolving that grueling debate over the Carolina Lily. I'm glad to be here today, near the end time. Not to be confused with the End Times, which people foolishly try to predict from time to time.

"Back in colonial New England, the state legislators were meeting one day when everything was plunged into darkness by a sudden eclipse. Many of them panicked and there was a movement to adjourn. But one of the wiser legislators said, 'Mr. Speaker, if it is NOT the end of the world and we adjourn, we shall appear to be fools. If it is the end of the world, I should choose to be found doing my duty. I move you, sir, that candles be brought.'

"In the light of that, let us pray. Lord may you empower this body to do its duty this evening. Not to be frightened by dire predictions, not to be influenced by a tide of fear or worry, but to discern your will for the people of North Carolina, that they may be served justly and compassionately. Amen."

The Chair grants leaves of absence for tonight to Senator Garwood and Senator Holloman.

Senator Basnight, President Pro Tempore, announces that the Journal of Thursday, 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 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:

S.B. 716, AN ACT TO REPEAL THE UNIFORM ARBITRATION ACT AND TO ENACT THE REVISED UNIFORM ARBITRATION ACT.

S.B. 925, AN ACT TO STRENGTHEN THE LAWS TO PREVENT SECURITIES FRAUD AND TO CLARIFY THE PROHIBITION ON STATE CONTRACTS 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 Enrolling Clerk reports the following bills and resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 182, AN ACT TO NAME THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY, TO ALLOW DUPLIN COUNTY TO USE THE SINGLE-PRIME BIDDING METHOD FOR THE CONSTRUCTION OF DUPLIN COMMONS WITHOUT COMPLYING WITH CERTAIN STATUTORY REQUIREMENTS, AND CONCERNING THE INVESTMENT OF CERTAIN RETIREMENT AND EMPLOYEE BENEFIT FUNDS BY THE CITY OF FAYETTEVILLE.

S.J.R. 608, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF TIMOTHY REESE MCLAURIN. (Res. 23)

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. 1140, AN ACT TO AUTHORIZE THE QUICK REMOVAL OF VEHICLES, CARGO, OR OTHER PERSONAL PROPERTY FROM CONTROLLED-ACCESS HIGHWAYS AND TO ALLOW DRIVERS TO REMOVE VEHICLES FROM TRAVEL LANES OF A HIGHWAY FOLLOWING MINOR ACCIDENTS, IF THE VEHICLES CAN BE SAFELY MOVED. (Became law upon approval of the Governor, July 10, 2003—S.L. 2003-310.)

July 14, 2003

H.B. 1023, AN ACT TO ALLOW INTERPOLICY STACKING OF UNINSURED MOTORIST COVERAGE, TO AMEND THE DEFINITION OF UNDERINSURED HIGHWAY VEHICLE, AND TO CLARIFY THE AMOUNT OF UNDERINSURED LIABILITY COVERAGE AVAILABLE WHEN MULTIPLE PARTIES ARE INJURED IN MOTOR VEHICLE ACCIDENTS. (Became law upon approval of the Governor, July 10, 2003–S.L. 2003-311.)

H.B. 1070, AN ACT TO INCREASE THE EXPENDITURE BENCHMARK FOR A SPECIAL RESPONSIBILITY CONSTITUENT INSTITUTION FOR CERTAIN PURCHASING CONTRACTS. (Became law upon approval of the Governor, July 10, 2003–S.L. 2003-312.)

H.B. 826, AN ACT TO AMEND THE CONFIDENTIALITY PROVISIONS OF CHAPTER 122C OF THE GENERAL STATUTES TO PERMIT IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM. (Became law upon approval of the Governor, July 10, 2003–S.L. 2003-313.)

H.B. 684 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FINANCING THE CONSTRUCTION OF A NEW PSYCHIATRIC HOSPITAL TO BE LOCATED IN BUTNER. (Became law upon approval of the Governor, July 10, 2003–S.L. 2003-314.)

S.B. 840, AN ACT TO ADOPT FOLKMOOT USA AS NORTH CAROLINA'S OFFICIAL INTERNATIONAL FESTIVAL. (Became law upon approval of the Governor, July 10, 2003–S.L. 2003-315.)

S.B. 408, AN ACT TO ALLOW THE CITY OF EDEN TO NEGOTIATE ANNEXATION CONTRACTS. (Became law upon ratification, July 10, 2003–S.L. 2003-316.)

H.B. 685, AN ACT TO INCORPORATE THE TOWN OF SUNSET HARBOR. (Became law upon ratification, July 10, 2003–S.L. 2003-317.)

WITHDRAWAL FROM COMMITTEE

H.B. 328 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REVISING REAL ESTATE LICENSING EXAMINATION PROCEDURES, CLARIFYING CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE LICENSEES, AND ENABLING THE REAL ESTATE COMMISSION TO PERMIT LIMITED COMMERCIAL PRACTICE BY NONRESIDENT REAL ESTATE BROKERS, re-referred to the **Rules and Operations of the Senate Committee** on May 22.

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**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 10, 2003

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for SB 934, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A REGISTRATION FEE FOR THE AUTHORIZATION OF A PRIVATE FACILITY TO SERVE DWI OFFENDERS AND TO INCREASE THE FEE FOR A SUBSTANCE ABUSE ASSESSMENT CONDUCTED BY AN ASSESSING AGENCY, and requests conferees, Speaker Morgan appoints:

Representative Miner, Chair
Representative McComas
Representative Sutton, and
Representative G. Allen

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 BY THE GOVERNOR

STATE OF NORTH CAROLINA
Office of the Governor

20301 Mail Service Center • Raleigh, NC 27699-0301

MICHAEL F. EASLEY
GOVERNOR

July 11, 2003

Ms. Janet Pruitt
Senate Principal Clerk NC General Assembly
2020 Legislative Building
Raleigh, NC 27601

Dear Ms. Pruitt:

Pursuant to General Statute § 135-6, I hereby appoint Ms. Shirley Harris and Mr. Leslie Leroy Pittman and reappoint The Honorable Daniel DeVane and Ms.

July 14, 2003

Shirley Ann Bell to the North Carolina Teachers' and State Employees' Retirement System Board of Trustees and submit their names for confirmation by the North Carolina Senate. Their terms are effective immediately, pending confirmation. The terms of Ms. Shirley Harris, Mr. Dan DeVane and Ms. Shirley Bell will expire March 31, 2007. Mr. Pittman's term will expire on March 31, 2004.

Enclosed is biographical information on these appointees. Please feel free to call on them or members of my office of Boards and Commissions if you need additional information.

With kindest regards, I remain

Very truly yours,



Michael F. Easley

MFE:bc

cc: The Honorable Beverly Perdue
The Honorable Marc Basnight

Referred to **Education/Higher Education Committee.**

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 583 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN IN THE PUBLIC SCHOOLS FROM EXPOSURE TO TOBACCO BY REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT WRITTEN POLICIES PROHIBITING THE USE OF TOBACCO PRODUCTS IN PUBLIC SCHOOL BUILDINGS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, July 15.

S.B. 679 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PUBLIC FINANCING LAWS OF THE STATE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, July 15.

S.B. 963 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SELLERS FROM CHARGING EXCESSIVE PRICES ON THEIR MERCHANDISE AND SERVICES DURING DECLARED STATES OF

DISASTER, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, July 15.

S.B. 1016 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING NURSING HOMES TO ESTABLISH A MEDICATION MANAGEMENT ADVISORY COMMITTEE AND SPECIFYING THE DUTIES OF THE COMMITTEE AND TO REQUIRE NURSING HOMES TO DO CERTAIN THINGS PERTAINING TO THE REDUCTION OF MEDICATION-RELATED ERRORS TO INCREASE PATIENT SAFETY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, July 15.

H.B. 173 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE CONTINUING EDUCATION OF PERSONS PRACTICING UNDER THE COSMETIC ART ACT AND CLARIFYING THE REMITTANCE OF CIVIL PENALTIES UNDER THE ACT.

Referred to **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 313 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE AND REVISE THE CHARTER OF THE CITY OF ROCKY MOUNT.

Referred to **Finance Committee**.

H.B. 736 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO COLLECT A GENERAL MUNICIPAL VEHICLE TAX OF UP TO TEN DOLLARS ON VEHICLES RESIDENT IN THE CITY AND TO AUTHORIZE THE CITY OF DURHAM TO ENTER INTO A JOINT AGREEMENT WITH A PRIVATE UNIVERSITY TO EXTEND THE JURISDICTION OF THE CAMPUS LAW ENFORCEMENT AGENCY OF THE PRIVATE UNIVERSITY INTO THE JURISDICTION OF THE CITY OF DURHAM.

Referred to **Finance Committee**.

H.B. 932 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING REGIONAL INTERAGENCY COORDINATING COUNCILS UNDER THE LAWS RELATING TO EARLY INTERVENTION SERVICES FOR CHILDREN FROM BIRTH TO FIVE YEARS OF AGE WITH DISABILITIES.

Referred to **Health and Human Resources Committee**.

H.J.R. 1335, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2003 GENERAL ASSEMBLY TO MEET IN 2004 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION.

Referred to **Rules and Operations of the Senate Committee**.

July 14, 2003

WITHDRAWAL FROM COMMITTEE

H.J.R. 69, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF THOMAS BELL HUNTER, FORMER MEMBER OF THE GENERAL ASSEMBLY, referred to the **Rules and Operations of the Senate Committee** on April 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 Wednesday, July 16, 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, July 16.

H.J.R. 231, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CHARLES BENNETT "C.B." DEANE, FORMER NORTH CAROLINA MEMBER OF CONGRESS, referred to the **Rules and Operations of the Senate Committee** on April 22.

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 16, 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, July 16.

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

H.B. 697 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF TROY AND ITS REDEVELOPMENT COMMISSION TO ACQUIRE PROPERTY WITHIN A REDEVELOPMENT AREA USING THE "QUICK TAKE" PROCEDURE, TO REVISE AND CONSOLIDATE THE CHARTERS OF THE TOWNS OF PEACHLAND AND POLKTON, AND TO ALLOW THE CITY OF HICKORY TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 44, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

Voting in the negative: Senators Foxx, Shaw, Shubert and Webster—4.

The Senate Committee Substitute bill is ordered sent to the House by special message for concurrence in the Senate Committee Substitute bill.

S.B. 452 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY MUNICIPALITIES IN UNION

COUNTY, for concurrence in the House Committee Substitute bill, upon second reading.

The House Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, July 15, for concurrence upon third reading.

S.B. 168 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CREATION OF ECONOMIC DEVELOPMENT AND TRAINING DISTRICTS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—47.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill is ordered sent to the House of Representatives by special message.

H.B. 1049 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW LICENSED PSYCHOLOGICAL ASSOCIATES TO RECEIVE PAYMENT FOR SERVICES FROM INSURERS AND TO INCREASE THE FEE THE PSYCHOLOGY BOARD MAY CHARGE FOR A TEMPORARY LICENSE, as amended by the Finance Committee, upon third reading.

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—47.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

S.B. 20 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LICENSURE OF PROFESSIONAL EMPLOYER ORGANIZATIONS, upon second reading.

July 14, 2003

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, July 15, upon third reading.

H.B. 497, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE AUTHORIZATION FOR CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW.

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 236 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE DIVIDEND RECEIVED DEDUCTION FOR REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS TO ENSURE THAT ALL DIVIDENDS ARE TREATED UNIFORMLY, TO EXTEND FOR TWO YEARS THE DEPARTMENT OF REVENUE'S AUTHORITY TO OUTSOURCE THE COLLECTION OF IN-STATE TAX DEBTS, TO AMEND THE MOTOR FUEL TAX LAWS, AND TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Kerr, the Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 655 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE DEFINITION OF LOCKSMITH SERVICES UNDER THE LOCKSMITH LICENSING ACT, TO AMEND THE POWERS OF THE NORTH CAROLINA LOCKSMITH LICENSING BOARD TO ALLOW THE BOARD TO EMPLOY AN ATTORNEY AND HAVE CONDUCTED CRIMINAL HISTORY RECORD CHECKS ON APPLICANTS, TO AMEND THE LOCKSMITH LICENSING ACT TO ALLOW THE BOARD TO REGULATE APPRENTICE LOCKSMITHS AND COLLECT FEES, TO CLARIFY THE EXEMPTION FOR GENERAL CONTRACTORS, TO CLARIFY THE EXEMPTION FOR TOWING SERVICES UNDER THE ACT, AND TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS OF APPLICANTS FOR LICENSURE OR APPRENTICE DESIGNATION AS A LOCKSMITH, for concurrence in House Amendment No. 1.

Upon motion of Senator Metcalf, the Senate concurs in House Amendment No. 1 (47-1) and the measure is ordered enrolled and sent to the Governor.

S.B. 800 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT

TO INCREASE THE MAXIMUM FEES THAT THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS MAY ASSESS AND MAKE CHANGES TO THE MASSAGE AND BODYWORK THERAPY LAWS, for concurrence in the House Committee Substitute.

Upon motion of Senator Hoyle, the Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 993 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE ABILITY OF THE STATE BOARD OF EDUCATION TO SAFEGUARD SCHOOLCHILDREN THROUGH AUTOMATIC REVOCATION OF TEACHER CERTIFICATES UPON CONVICTION OF CERTAIN CRIMES, AND THE USE OF INVESTIGATIVE SERVICES AS NEEDED, for concurrence in House Amendment No. 3.

Upon motion of Senator Garrou, the Senate concurs in House Amendment No. 3 (48-0) and the measure is ordered enrolled and sent to the Governor.

APPOINTMENT OF ADDITIONAL CONFEREE

H.B. 147 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN A PEDESTRIAN HAS THE RIGHT-OF-WAY, TO INCREASE THE PENALTY AND DRIVERS LICENSE POINTS ASSESSED FOR FAILING TO YIELD THE RIGHT-OF-WAY TO A PEDESTRIAN; AND TO STUDY PEDESTRIAN ACCIDENTS WHERE VEHICLES ARE TURNING RIGHT AT A RED LIGHT.

Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Hartsell as an additional conferee and Chair 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.

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 Garrou for the **Pensions & Retirement and Aging Committee**:

H.B. 474 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE EMERGENCY PENSION FUND FOR LAW ENFORCEMENT OFFICERS IN MECKLENBURG COUNTY, with a favorable report.

H.B. 570 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE CITY OF LUMBERTON FIREMEN'S RELIEF FUND AND SUPPLEMENTARY PENSION FUND, with a favorable report.

H.B. 1170 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE BENEFITS OF MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES RETIREMENT SYSTEM, with a favorable report.

July 14, 2003

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 331 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, AND THE DISABILITY INCOME PLAN OF NORTH CAROLINA, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendments No. 1 and No. 2 are adopted.

H.B. 733 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW RETIRED MEMBERS OF THE DURHAM FIREMEN'S SUPPLEMENTAL RETIREMENT SYSTEM TO SERVE ON THE BOARD OF TRUSTEES OF THE SYSTEM AND TO MAKE THE NAME OF THE SYSTEM GENDER-NEUTRAL, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

H.B. 1000 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE UNIVERSITY OF NORTH CAROLINA'S OPTIONAL RETIREMENT PLAN, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

CONFERENCE REPORT

Senator Hartsell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1062** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE COMMUNITY WATER SYSTEMS THAT REGULARLY SERVE ONE THOUSAND OR MORE SERVICE CONNECTIONS OR THREE THOUSAND OR MORE INDIVIDUALS TO PREPARE LOCAL WATER SUPPLY PLANS AND TO AUTHORIZE THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO MAKE DROUGHT DESIGNATIONS, 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 1062, A BILL TO BE ENTITLED AN ACT TO REQUIRE COMMUNITY WATER SYSTEMS THAT REGULARLY SERVE ONE THOUSAND OR MORE SERVICE CONNECTIONS OR THREE THOUSAND OR MORE INDIVIDUALS TO PREPARE LOCAL WATER SUPPLY PLANS AND TO AUTHORIZE THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO MAKE DROUGHT DESIGNATIONS, Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted 6/24/03, submit the following report:

The House of Representatives and the Senate agree to the following amendments to the Senate Agriculture/Environment/Natural Resources Committee Substitute

Adopted 6/24/03 and the House of Representatives concurs in the Senate Agriculture/Environment/Natural Resources Committee Substitute as amended:

On page 1, lines 5 through 7, by rewriting those lines to read:

"SUPPLY PLANS, TO PROVIDE THAT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES SHALL ESTABLISH A DROUGHT MANAGEMENT ADVISORY COUNCIL, AND TO AUTHORIZE THE COUNCIL TO ISSUE DROUGHT ADVISORIES."

and on page 2, line 12,
by rewriting that line to read:

"§ 143-355.1. Drought Management Advisory Council; drought advisories."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: 14 July 2003.

Conferees for the Senate

Conferees for the
House of Representatives

S/Fletcher Hartsell, Jr., Chair
S/Charles W. Albertson
S/S. Clark Jenkins

S/Marian N. McLawhorn
S/Carolyn H. Justice
S/Pryor A. Gibson

The Conference Report is placed on the Calendar for tomorrow, Tuesday, July 15, for adoption.

RECOGNITION OF MISS NORTH CAROLINA

With unanimous consent, upon motion of Senator Moore, the privileges of the floor are extended to Miss North Carolina 2003, Dana Reason. Senator Moore, Senator Jenkins, Senator Hartsell, and Senator Swindell are appointed to escort Miss North Carolina to the Well of the Senate where she is recognized to address the Senate.

The Senate recesses at 7:45 P.M. for the purpose of an Appropriations/Base Budget Committee meeting to reconvene at 7:50 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Beverly E. Perdue, Lieutenant Governor.

CONFERENCE REPORT

Senator Shubert, for the Conferees appointed to consider the differences arising July 14, 2003

between the Senate and the House of Representatives upon **H.B. 963** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PERSONS CONVICTED OF LEAVING THE SCENE OF AN ACCIDENT INVOLVING INJURY OR DEATH MAY LOSE THEIR LICENSE FOR A PERIOD OF TWO YEARS, 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 963, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PERSONS CONVICTED OF LEAVING THE SCENE OF AN ACCIDENT INVOLVING INJURY OR DEATH MAY LOSE THEIR LICENSE FOR A PERIOD OF TWO YEARS, Senate Judiciary II Committee Substitute Adopted 6/3/03, Fourth Edition Engrossed 6/10/03, submit the following report:

The House and Senate agree to the following amendments to the Senate Judiciary II Committee Substitute, Senate Judiciary II Committee Substitute Adopted 6/3/03, Fourth Edition Engrossed 6/10/03, and the House concurs in the Senate Committee Substitute as amended:

On page 1, line 3, rewrite the line to read:

"THE SCENE OF AN ACCIDENT INVOLVING PERSONAL INJURY OR DEATH MAY";

And on page 1, lines 7-9, rewrite the lines to read:

"(e) The Division of Motor Vehicles shall revoke the driver's license of a person convicted of violating subsection (a) of this section for a period of one year, unless the court makes a finding that a longer period of revocation is appropriate under the circumstances of the case. If the court makes this finding, the Division of Motor Vehicles shall revoke that person's driver's license for two years. Upon a first conviction only for a violation of"

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 14, 2003.

Conferees for the Senate

S/Fern H. Shubert, Chair
S/Fletcher L. Hartsell, Jr.
S/Scott Thomas

Conferees for the
House of Representatives

S/Alex Warner, Chair
Mary E. McAllister
S/R. Phillip Haire
S/Bonner L. Stiller
S/Joe L. Kiser
S/Wilma M. Sherrill

The Conference Report is placed on the Calendar for tomorrow, Tuesday, July 15, for adoption.

WITHDRAWAL FROM COMMITTEE

H.J.R. 1328, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF REVERENDS ADOLPHEUS NUSSMAN AND GOTTFRIED ARENDS ON THE 200TH ANNIVERSARY OF THE NORTH CAROLINA SYNOD OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA, referred to the **Rules and Operations of the Senate Committee** on June 5.

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 16, 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, July 16.

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**:

H.B. 1170 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE BENEFITS OF MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES RETIREMENT SYSTEM, with a favorable report.

With unanimous consent, upon motion of Senator Dalton, the rules are suspended and the Committee Substitute bill is placed on tonight's Calendar for immediate consideration.

Without objection, Senator Stevens request to be excused from voting on the Committee Substitute bill due to a conflict of interest.

The Committee Substitute bill passes its second (44-1) and third readings and is ordered enrolled and sent to the Governor by special message.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Zachary Bradley, Arden; Christopher Carlton, Gastonia; Michelle Lynn Casper, Rocky Mount; Halley Elizabeth Cella, New Bern; Philip Britton Cobb, Gastonia; Sophia Anne Duncan, Red Springs; Joseph Gaither, Newton; Sam Tyler Hege, Raleigh; Ashley Candace Howell, Plymouth; Danny Langston, Jr., Goldsboro; Molly A. Massey, Washington; Benjamin F. Matthews III, Gastonia; Melissa Morgan, Raleigh; Mary Lindsay Noble, Lumberton; Dustin Ryan Overman, Goldsboro; Laura-Nelle Parnell, Charlotte; Bailey Lauren Shook, Red Springs; Louise Elizabeth Short, Raleigh; Suzanne Staples, Greensboro; Claire Thomas, Greensboro; Don Thrower, Gastonia; Marshall P. Walker, Gastonia; Lauren Elizabeth Yatko, Gastonia.

Upon motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns subject to receipt of messages from the House of Representatives, to meet tomorrow, Tuesday, July 15, at 3:00 P.M.

July 14, 2003

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 357 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW MAYLAND COMMUNITY COLLEGE TO LEASE OR SELL AT PRIVATE SALE TWO PROPERTIES AND TO CLARIFY THAT THE CITY OF ROANOKE RAPIDS MAY ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, July 15.

S.B. 668 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE WINE SHIPPERS PERMITS TO ALLOW THE DIRECT SHIPMENT OF WINES TO RESIDENTS OF NORTH CAROLINA AND TO ESTABLISH A MECHANISM FOR COLLECTING THE TAXES DUE ON WINE SHIPPED TO NORTH CAROLINA, 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 15.

S.B. 945 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EXTENT TO WHICH A PROSPECTIVE APPLICANT FOR AN AIR QUALITY PERMIT FOR A NEW FACILITY MAY ENGAGE IN CONSTRUCTION PRIOR TO OBTAINING THE AIR QUALITY PERMIT AND TO SPECIFY THE CIRCUMSTANCES UNDER WHICH A PERSON WHO HOLDS AN AIR QUALITY PERMIT MAY ALTER OR EXPAND THE FACILITY UPON GIVING NOTICE TO THE ENVIRONMENTAL MANAGEMENT COMMISSION AND THE PUBLIC OF THE PERMITTEE'S INTENT TO APPLY FOR MODIFICATION OF THE PERMIT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, July 15.

H.B. 543 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE DEPUTY FIRE MARSHALS, ASSISTANT FIRE MARSHALS, AND COUNTY FIREFIGHTERS AS ELIGIBLE MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

Referred to **Pensions & Retirement and Aging Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 8:24 P.M.

NINETY-SEVENTH DAY

Senate Chamber
Tuesday, July 15, 2003

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 Hugh Webster, Senator from Alamance County as follows:

"Mr. President *Pro Tempore*, the Honorables, helpers, and guests, I thank you for allowing me this privilege.

"I want to tell you a story about a prayer first, if I may, if you will indulge me for a moment. When I was a kid we worked anywhere from three to six mules. We kept them all in a big stable, mare mules. We didn't mix them, we kept all of one sex in the same stable. Early in the morning, before sun up, it was my job to go out there and get them fed and get them ready to go for the day. It would be already hot. Day after day, we all worked steadily, all of the help, the mules, about nineteen out of twenty days, but every once in a while without any cause that I could ever identify, we had a bad day. You could tell, there were two things that gave us a bad day. That was when Uncle Roy got drunk and when the mules acted up. We didn't know why, we never figured out why. Some folks said it was because of the moon. As you were approaching the stable, most of the time it was quiet, but once in a while you would hear scuffling, a little screaming going on, bumping into each other. They'd be running around biting each other. Long before I got in hearing distance of the stable I developed a habit of stopping. By the way, it was really a mystery, their tails would be mussed, their hair would be all matted, they'd be nasty, they'd be rude to each other, they'd be biting each other, they'd be running around breaking things. You knew that it was going to be a long, hard day. You would risk somebody getting hurt. I'd stop on my way out there crossing the garden, pause for a moment and say, 'Lord, please let this not be a bad mule day.'

"Lord, help us to remember that above all which we mortals may think is righteous, lead us to serve You, O Lord. Help us to represent the people of our districts and our State resolutely, with compassion and kindness. Help us be ever mindful of your presence as we represent those who are not otherwise represented here.

"Thank you, Lord, for all you do for us. Most of all, thank you for remembering me even when I forget You, and please, Lord, let this not be a 'bad law' day. Amen."

The President Pro Tempore of the Senate extends courtesies of the floor to Dr. Allan B. Shang from Wake Forest, North Carolina, who is serving the Senate as Doctor of the Day.

The Chair grants leaves of absence for today to Senator Garwood, Senator Holloman and Senator Jenkins.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of July 15, 2003

yesterday, Monday, July 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.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1213 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE DEFERRED DEPOSIT TRANSACTIONS AND TO PROVIDE ADDITIONAL CONSUMER DISCLOSURES AND PROTECTIONS.

With unanimous consent, upon motion of Hoyle, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, July 16.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 236, AN ACT TO MODIFY THE DIVIDEND RECEIVED DEDUCTION FOR REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS TO ENSURE THAT ALL DIVIDENDS ARE TREATED UNIFORMLY, TO EXTEND FOR TWO YEARS THE DEPARTMENT OF REVENUE'S AUTHORITY TO OUTSOURCE THE COLLECTION OF IN-STATE TAX DEBTS, TO AMEND THE MOTOR FUEL TAX LAWS, AND TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS.

S.B. 655, AN ACT TO MAKE CLARIFYING CHANGES TO THE DEFINITION OF LOCKSMITH SERVICES UNDER THE LOCKSMITH LICENSING ACT, TO AMEND THE POWERS OF THE NORTH CAROLINA LOCKSMITH LICENSING BOARD TO ALLOW THE BOARD TO EMPLOY AN ATTORNEY AND HAVE CONDUCTED CRIMINAL HISTORY RECORD CHECKS ON APPLICANTS, TO AMEND THE LOCKSMITH LICENSING ACT TO ALLOW THE BOARD TO REGULATE APPRENTICE LOCKSMITHS AND COLLECT FEES, TO CLARIFY THE EXEMPTION FOR GENERAL CONTRACTORS, TO CLARIFY THE EXEMPTION FOR TOWING SERVICES UNDER THE ACT, AND TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS OF APPLICANTS FOR LICENSURE OR APPRENTICE DESIGNATION AS A LOCKSMITH.

S.B. 800, AN ACT TO INCREASE THE MAXIMUM FEES THAT THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS MAY ASSESS AND MAKE CHANGES TO THE MASSAGE AND BODYWORK THERAPY LAWS.

S.B. 993, AN ACT TO ENHANCE THE ABILITY OF THE STATE BOARD OF EDUCATION TO SAFEGUARD SCHOOLCHILDREN THROUGH AUTOMATIC REVOCATION OF TEACHER CERTIFICATES UPON CONVICTION OF

CERTAIN CRIMES, AND THE USE OF INVESTIGATIVE SERVICES AS NEEDED.

H.B. 497, AN ACT TO REMOVE THE SUNSET ON THE AUTHORIZATION FOR CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW.

H.B. 897, AN ACT TO IMPROVE THE SOLVENCY OF THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND AND THE NONCOMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND BY TEMPORARILY REQUIRING THAT CLEANUPS PROCEED ONLY AFTER PREAPPROVAL BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES PURSUANT TO A SCHEDULE BASED ON THE DEGREE OF RISK TO HUMAN HEALTH AND THE ENVIRONMENT AND OTHER FACTORS; TO PROVIDE THAT PAYMENT OR REIMBURSEMENT FROM THE COMMERCIAL FUND AND NONCOMMERCIAL FUND BE LIMITED TO THAT NECESSARY TO ACHIEVE THE MOST COST-EFFECTIVE CLEANUP; TO PROVIDE FOR THE IMPLEMENTATION OF PERFORMANCE-BASED CLEANUPS; TO MINIMIZE FUTURE DISCHARGES AND RELEASES BY AUTHORIZING THE ADOPTION OF RULES TO REQUIRE THE USE OF SECONDARY CONTAINMENT FOR PETROLEUM UNDERGROUND STORAGE TANK SYSTEMS; TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES TO REDUCE CERTAIN TESTING REQUIREMENTS APPLICABLE TO THE LEAKING UNDERGROUND STORAGE TANK CLEANUP PROGRAM TO REDUCE COSTS; TO PROVIDE THAT A MIXED PLUME OF CONTAMINATION THAT RESULTS FROM RELEASES OF PETROLEUM FROM BOTH AN UNDERGROUND STORAGE TANK AND AN ABOVEGROUND STORAGE TANK OR OTHER SOURCE MAY BE CLEANED UP UNDER THE RISK-BASED CLEANUP RULES APPLICABLE TO RELEASES FROM PETROLEUM UNDERGROUND STORAGE TANKS; AND TO AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP PROGRAM IN ORDER TO PROTECT PROPERTY VALUES, ENSURE TIMELY REIMBURSEMENT OF PERSONS WHO ENGAGE IN CLEANUPS, AND PROTECT GROUNDWATER.

H.B. 1170, AN ACT TO ENHANCE THE BENEFITS OF MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES RETIREMENT SYSTEM.

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. 182, AN ACT TO NAME THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY, TO ALLOW DUPLIN COUNTY TO USE THE SINGLE-PRIME BIDDING METHOD FOR THE CONSTRUCTION OF DUPLIN

July 15, 2003

COMMONS WITHOUT COMPLYING WITH CERTAIN STATUTORY REQUIREMENTS, AND CONCERNING THE INVESTMENT OF CERTAIN RETIREMENT AND EMPLOYEE BENEFIT FUNDS BY THE CITY OF FAYETTEVILLE. (Became law upon ratification, July 14, 2003–S.L. 2003-318.)

CALENDAR *(continued)*

H.B. 1028 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES TO ESTABLISH A GENERAL PERMIT FOR THE CONSTRUCTION OF RIPRAP SILLS FOR WETLAND ENHANCEMENT AND SHORELINE PROTECTION IN ESTUARINE AND PUBLIC TRUST WATERS, TO PROHIBIT THE CONSTRUCTION OF PERMANENT EROSION CONTROL STRUCTURES IN OCEAN SHORELINES, AND TO PROVIDE THAT TEMPORARY EROSION CONTROL STRUCTURES IN OCEAN SHORELINES SHALL BE LIMITED TO SANDBAGS.

With unanimous consent, upon motion of Senator Hoyle, the Senate Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, July 16.

WITHDRAWAL FROM COMMITTEE

H.B. 223, A BILL TO BE ENTITLED AN ACT TO PERMIT THE STATE BOARD OF COMMUNITY COLLEGES TO USE CERTAIN FUNDS TO PROVIDE FINANCIAL ASSISTANCE TO STUDENTS WITH DISABILITIES, referred to the **Appropriations/Base Budget Committee** on May 14.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for tomorrow, Wednesday, July 16, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and places the measure on the Calendar for tomorrow, Wednesday, July 16.

S.B. 859 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CATAWBA RIVER BASIN BI-STATE ADVISORY COMMISSION AND TO APPROPRIATE FUNDS TO ENABLE THE COMMISSION TO ACHIEVE ITS PURPOSES, referred to the **Appropriations/Base Budget Committee** on June 12.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for tomorrow, Wednesday, July 16, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places the measure on the Calendar for tomorrow, Wednesday, July 16.

CONFERENCE REPORT

Senator Thomas, for the Conferees appointed to consider the differences arising

between the Senate and the House of Representatives upon **S.B. 693** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING ENHANCED SENTENCES AS RECOMMENDED BY THE SENTENCING COMMISSION AND TO MAKE 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 Senate 693, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING ENHANCED SENTENCES AS RECOMMENDED BY THE SENTENCING COMMISSION AND TO MAKE CONFORMING CHANGES, House Committee Substitute Favorable 5/19/03 Fourth Edition Engrossed 5/22/03, submit the following report:

The Senate and House agree to the following amendment and the Senate concurs in the House Committee Substitute Favorable 5/19/03, Fourth Edition Engrossed 5/22/03, as amended:

On page 3, lines 20-21, by inserting between the lines a new subsection to read:

"(b1) This section does not apply to law enforcement officers, unless the State proves beyond a reasonable doubt, pursuant to subsection (d) of this section, both of the following:

- (1) That the law enforcement officer was not performing or attempting to perform a law enforcement function.
- (2) That the law enforcement officer knowingly wore or had in his or her immediate possession a bulletproof vest at the time of the commission of the felony for the purpose of aiding the law enforcement officer in the commission of the felony."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 15, 2003.

Conferees for the Senate

Conferees for the
House of Representatives

S/Scott Thomas, Chair
S/Fletcher Hartsell, Jr.
S/Tony P. Moore

S/Don Munford, Chair
S/Maggie Jeffus
S/Bonner L. Stiller

The Conference Report is placed on the Calendar for tomorrow, Wednesday, July 16, for adoption.

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the July 15, 2003

report accompanying it, and takes its place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 760 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT GRANTS FROM UNIFORM PROGRAMS FOR PUBLIC CAMPAIGN FINANCING DO NOT CONSTITUTE "CONTRIBUTIONS" AND ARE NOT SUBJECT TO RESTRICTIONS ON CONTRIBUTIONS; TO CLARIFY THAT GOVERNMENTS IN CITIES AND COUNTIES OF A CERTAIN SIZE ARE AUTHORIZED TO CONDUCT THOSE PROGRAMS; TO GRANT GOVERNMENTS IN CITIES AND COUNTIES OF A CERTAIN SIZE AUTHORITY TO SET CONTRIBUTION LIMITS AT ONE THOUSAND DOLLARS FOR LOCAL OFFICES RATHER THAN THE STATEWIDE LIMIT OF FOUR THOUSAND DOLLARS; AND TO APPROPRIATE FUNDS FOR AND MANDATE A STUDY OF LOCAL PUBLIC CAMPAIGN FINANCING PROGRAMS, 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, 65338, which changes the title to read **S.B. 760** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT GRANTS FROM UNIFORM PROGRAMS FOR PUBLIC CAMPAIGN FINANCING DO NOT CONSTITUTE "CONTRIBUTIONS" AND ARE NOT SUBJECT TO RESTRICTIONS ON CONTRIBUTIONS; TO CLARIFY THAT GOVERNMENTS IN CITIES AND COUNTIES OF A CERTAIN SIZE ARE AUTHORIZED TO CONDUCT THOSE PROGRAMS; AND TO REQUIRE A REVIEW OF LOCAL PUBLIC CAMPAIGN FINANCING PROGRAMS, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 474 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE EMERGENCY PENSION FUND FOR LAW ENFORCEMENT OFFICERS IN MECKLENBURG COUNTY.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled.

H.B. 570 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE CITY OF LUMBERTON FIREMEN'S RELIEF FUND AND SUPPLEMENTARY PENSION FUND.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled.

H.B. 733 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW RETIRED MEMBERS OF THE DURHAM FIREMEN'S SUPPLEMENTAL RETIREMENT SYSTEM TO SERVE ON THE BOARD OF TRUSTEES OF THE SYSTEM AND TO MAKE THE NAME OF THE SYSTEM GENDER-NEUTRAL, as amended by the Pensions & Retirement and Aging Committee.

The Committee Substitute bill, as amended, passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

S.B. 679 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PUBLIC FINANCING LAWS OF THE STATE, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Hoyle, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, July 16, for concurrence, upon second reading.

S.B. 945 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EXTENT TO WHICH A PROSPECTIVE APPLICANT FOR AN AIR QUALITY PERMIT FOR A NEW FACILITY MAY ENGAGE IN CONSTRUCTION PRIOR TO OBTAINING THE AIR QUALITY PERMIT AND TO SPECIFY THE CIRCUMSTANCES UNDER WHICH A PERSON WHO HOLDS AN AIR QUALITY PERMIT MAY ALTER OR EXPAND THE FACILITY UPON GIVING NOTICE TO THE ENVIRONMENTAL MANAGEMENT COMMISSION AND THE PUBLIC OF THE PERMITTEE'S INTENT TO APPLY FOR MODIFICATION OF THE PERMIT, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Hoyle, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, July 16, for concurrence upon second reading.

S.B. 452 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY MUNICIPALITIES IN UNION COUNTY, for concurrence in the House Committee Substitute bill upon third reading.

Upon motion of Senator Shubert, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 357 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW MAYLAND COMMUNITY COLLEGE TO LEASE OR SELL AT PRIVATE SALE TWO PROPERTIES AND TO CLARIFY THAT THE CITY OF ROANOKE RAPIDS MAY ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Swindell, the Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled.

S.B. 20 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LICENSURE OF PROFESSIONAL EMPLOYER ORGANIZATIONS, upon third reading.

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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, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives by special message.

H.B. 331 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, AND THE DISABILITY INCOME PLAN OF NORTH CAROLINA, as amended by the Pensions & Retirement and Aging Committee.

Upon motion of Senator Garrou, the President *Pro Tempore* orders, without objection, the Committee Substitute bill, as amended, temporarily displaced.

H.B. 1000 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE UNIVERSITY OF NORTH CAROLINA'S OPTIONAL RETIREMENT PLAN, as amended by the Pensions, Retirement, & Aging Committee.

The Committee Substitute bill, as amended, passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

S.B. 668 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE WINE SHIPPERS PERMITS TO ALLOW THE DIRECT SHIPMENT OF WINES TO RESIDENTS OF NORTH CAROLINA AND TO ESTABLISH A MECHANISM FOR COLLECTING THE TAXES DUE ON WINE SHIPPED TO NORTH CAROLINA, for concurrence in the House Committee Substitute bill No. 2 upon second reading.

Upon motion of Senator Metcalf, the Senate concurs in the House Committee Substitute bill No. 2 on its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

Voting in the negative: None.

The House Committee Substitute bill No. 2 remains on the Calendar for tomorrow, Wednesday, July 16, for concurrence upon third reading.

S.B. 583 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN IN THE PUBLIC SCHOOLS FROM EXPOSURE TO TOBACCO BY REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT WRITTEN POLICIES PROHIBITING THE USE OF TOBACCO PRODUCTS IN PUBLIC SCHOOL BUILDINGS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Purcell, the Senate concurs in the House Committee Substitute bill (44-3) and the measure is ordered enrolled and sent to the Governor.

S.B. 847 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY LATE FEES CHARGED TO RESIDENTIAL TENANTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Gulley, the Senate concurs in the House Committee Substitute bill (46-1) and the measure is ordered enrolled and sent to the Governor.

S.B. 963 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SELLERS FROM CHARGING EXCESSIVE PRICES ON THEIR MERCHANDISE AND SERVICES DURING DECLARED STATES OF DISASTER, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Swindell, the Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 1016 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING NURSING HOMES TO ESTABLISH A MEDICATION MANAGEMENT ADVISORY COMMITTEE AND SPECIFYING THE DUTIES OF THE COMMITTEE AND TO REQUIRE NURSING HOMES TO DO CERTAIN THINGS PERTAINING TO THE REDUCTION OF MEDICATION-RELATED ERRORS TO INCREASE PATIENT SAFETY, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Berger, the Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled and sent to the Governor.

H.B. 963 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PERSONS CONVICTED OF LEAVING THE SCENE OF AN ACCIDENT INVOLVING PERSONAL INJURY OR DEATH MAY LOSE THEIR LICENSE FOR A PERIOD OF TWO YEARS.

Upon motion of Senator Shubert, the Senate adopts the Conference Report (47-0). The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

H.B. 1062 (Conference Report), A BILL TO BE ENTITLED AN ACT TO REQUIRE COMMUNITY WATER SYSTEMS THAT REGULARLY SERVE ONE THOUSAND OR MORE SERVICE CONNECTIONS OR THREE THOUSAND OR MORE INDIVIDUALS TO PREPARE LOCAL WATER SUPPLY PLANS, TO PROVIDE THAT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES SHALL ESTABLISH A DROUGHT MANAGEMENT ADVISORY COUNCIL, AND TO AUTHORIZE THE COUNCIL TO ISSUE DROUGHT ADVISORIES.

Upon motion of Senator Hartsell, the Senate adopts the Conference Report (47-0).

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The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

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. 79 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A DNA SAMPLE BE TAKEN FROM ANY PERSON CONVICTED OF ANY FELONY OR CERTAIN OTHER CRIMINAL OFFENSES OR WHO IS FOUND NOT GUILTY BY REASON OF INSANITY OF ANY FELONY OR CERTAIN OTHER CRIMINAL OFFENSES, TO CLARIFY WHEN THAT SAMPLE IS TAKEN, AND TO RESTRICT THE RELEASE OF INFORMATION FROM THE DNA DATABASE, 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 45175, which changes the title to read **H.B. 79** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A DNA SAMPLE BE TAKEN FROM ANY PERSON CONVICTED OF ANY FELONY OR CERTAIN OTHER CRIMINAL OFFENSES OR WHO IS FOUND NOT GUILTY BY REASON OF INSANITY OF ANY FELONY OR CERTAIN OTHER CRIMINAL OFFENSES, TO CLARIFY WHEN THAT SAMPLE IS TAKEN, AND TO CLARIFY CONFIDENTIALITY, is adopted and engrossed.

By Senator Bingham for the **Health and Human Resources Committee**:

H.B. 1257 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING VARIOUS PROVISIONS UNDER THE RESPIRATORY CARE PRACTICE ACT, AUTHORIZING THE NORTH CAROLINA RESPIRATORY CARE BOARD TO ESTABLISH FEES FOR VERIFICATION OF LICENSURE STATUS AND APPROVAL OF CONTINUING EDUCATION PROGRAMS, AUTHORIZING THE BOARD TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE ACT, AND AUTHORIZING ADJUSTMENTS IN FEES FOR BOARDS TO REFLECT CHANGES IN THE CONSUMER PRICE INDEX, 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 80352, which changes the title to read **H.B. 1257** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING VARIOUS PROVISIONS OF THE RESPIRATORY CARE PRACTICE ACT, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

WITHDRAWAL FROM CALENDAR

S.B. 679 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PUBLIC FINANCING LAWS OF THE STATE, for concurrence in the House Committee Substitute bill.

Senator Hoyle offers a motion that the House Committee Substitute bill be withdrawn from the Calendar for tomorrow, Wednesday, July 16, 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 tomorrow, Wednesday, July 16, and places it before the Senate for immediate consideration.

Upon motion of Senator Hoyle, the Senate concurs in the House Committee Substitute bill upon second reading, by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—46.

Voting in the negative: Senator Webster—1.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, July 16, for concurrence upon third reading.

S.B. 945 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EXTENT TO WHICH A PROSPECTIVE APPLICANT FOR AN AIR QUALITY PERMIT FOR A NEW FACILITY MAY ENGAGE IN CONSTRUCTION PRIOR TO OBTAINING THE AIR QUALITY PERMIT AND TO SPECIFY THE CIRCUMSTANCES UNDER WHICH A PERSON WHO HOLDS AN AIR QUALITY PERMIT MAY ALTER OR EXPAND THE FACILITY UPON GIVING NOTICE TO THE ENVIRONMENTAL MANAGEMENT COMMISSION AND THE PUBLIC OF THE PERMITTEE'S INTENT TO APPLY FOR MODIFICATION OF THE PERMIT, for concurrence in the House Committee Substitute bill.

Senator Hoyle offers a motion that the House Committee Substitute bill be withdrawn from the Calendar for tomorrow, Wednesday, July 16, 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 tomorrow, Wednesday, July 16, and places it before the Senate for immediate consideration.

Upon motion of Senator Hoyle, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—47.

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Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, July 16, for concurrence upon third reading.

H.B. 331 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, AND THE DISABILITY INCOME PLAN OF NORTH CAROLINA, as amended by the Pensions & Retirement and Aging Committee, temporarily displaced earlier.

The Committee Substitute bill, as amended, passes its second 47-0 and third readings and is ordered sent to the House of Representatives by special message for concurrence in Senate Amendments No. 1 and No. 2.

Upon motion of Senator Dannelly, seconded by Senator Webster, the Senate adjourns subject to receipt of committee reports, to meet tomorrow, Wednesday, July 16, at 2:00 P.M.

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**:

H.B. 1066 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE THE SUBMISSION OF COMPLETE CLAIMS BY PROVIDERS UNDER HEALTH BENEFIT PLANS BY REQUIRING HEALTH BENEFIT PLANS TO DISCLOSE TO CONTRACT PROVIDERS THE PLANS' SCHEDULES OF FEES AND CLAIMS SUBMISSION AND REIMBURSEMENT POLICIES, AND TO PROVIDE NOTICE TO THE PROVIDER PRIOR TO IMPLEMENTING CHANGES TO THE SCHEDULES OR POLICIES, 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 80345 is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

H.B. 313 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE AND REVISE THE CHARTER OF THE CITY OF ROCKY MOUNT, with a favorable report.

H.B. 736 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO COLLECT A GENERAL MUNICIPAL VEHICLE TAX OF UP TO TEN DOLLARS ON VEHICLES RESIDENT IN THE CITY AND TO AUTHORIZE THE CITY OF DURHAM TO ENTER INTO A JOINT AGREEMENT WITH A PRIVATE UNIVERSITY TO EXTEND THE JURISDICTION OF THE CAMPUS LAW ENFORCEMENT AGENCY OF THE PRIVATE UNIVERSITY INTO THE JURISDICTION OF THE CITY OF DURHAM, with a favorable report.

H.B. 751 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE TITLE TO EXISTING LAND AND THE LAND BUILT UP AND CONSTRUCTED IN THE TOWN OF KITTY HAWK IN THE COUNTY OF DARE AS A RESULT OF CERTAIN EROSION CONTROL WORK IN SAID TOWN AND ANNEXING A TRACT TO THE CORPORATE LIMITS OF THAT TOWN, with a favorable report.

H.B. 1030 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE CONCEALED HANDGUN PERMIT APPLICATION AND RENEWAL FEES FOR QUALIFIED RETIRED SWORN LAW ENFORCEMENT OFFICERS, with a favorable report.

H.B. 1301 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS THAT ARE JOINTLY UNDERTAKING A DEVELOPMENT PROJECT TO ENTER INTO AGREEMENTS TO FINANCE THE PROJECT, with a favorable report.

S.B. 464, A BILL TO BE ENTITLED AN ACT TO CREATE THE DEBT AFFORDABILITY ADVISORY COMMITTEE AND THE CAPITAL PROJECTS PRIORITY COMMITTEE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85266 is adopted and engrossed.

S.B. 852 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE INTERNET ACCESS BY ORGAN PROCUREMENT ORGANIZATIONS AND EYE BANKS TO INFORMATION IN DIVISION OF MOTOR VEHICLE RECORDS PERTAINING TO ORGAN DONATION; TO ESTABLISH THE "LICENSE TO GIVE TRUST FUND" TO FUND INITIATIVES THAT EDUCATE AND PROMOTE ORGAN AND TISSUE DONATION; TO AUTHORIZE INDIVIDUAL CONTRIBUTIONS OF ONE DOLLAR TO THE "LICENSE TO GIVE TRUST FUND" TO BE COLLECTED AT THE TIME OF DRIVERS LICENSE OR SPECIAL IDENTIFICATION CARD APPLICATION AT MOTOR VEHICLE OFFICES; AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT, 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, 85265, which changes the title to read **S.B. 852** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE INTERNET ACCESS BY ORGAN PROCUREMENT ORGANIZATIONS AND EYE BANKS TO INFORMATION IN DIVISION OF MOTOR VEHICLE RECORDS PERTAINING TO ORGAN DONATION; TO ESTABLISH THE "LICENSE TO GIVE TRUST FUND" TO FUND INITIATIVES THAT EDUCATE AND PROMOTE ORGAN AND TISSUE DONATION; AND TO INCREASE THE FEE FOR ISSUANCE, RENEWAL, AND DUPLICATION OF A DRIVERS LICENSE OR SPECIAL IDENTIFICATION CARD AND PROVIDE THAT THE PROCEEDS OF THE INCREASE SHALL BE USED TO IMPLEMENT THIS ACT, is adopted and engrossed.

Upon motion of Senator Hoyle, the Committee Substitute bill No. 2 is re-referred to the **Appropriations/Base Budget Committee**.

July 15, 2003

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 1114, A BILL TO BE ENTITLED AN ACT TO MAKE VOLUNTEER FILES MAINTAINED BY LOCAL BOARDS OF EDUCATION PRIVATE, 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 30415 is adopted and engrossed.

H.B. 281 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 60391, which changes the title to read **H.B. 281** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, is adopted and engrossed.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 8:51 P.M.

NINETY-EIGHTH DAY

Senate Chamber
Wednesday, July 16, 2003

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 Bob Inskeep, Associate Pastor, First Presbyterian Church, Raleigh, North Carolina as follows:

"As a successful politician, you surely have a lot of friends. Sometimes friends are like those who lower the paralytic through the roof of the house so he can get to Jesus and be healed. (Mark 2). I saw a cartoon recently where two guys are looking down through a hole in a roof, holding a loop of rope in his hand and he says to the other, 'Well, if he wasn't a paralytic before, he is now!'

"Friends, perhaps you can empathize with Thomas Jones who once said, 'Friends may come and go, but enemies accumulate.' But you were elected by more than just your friends, so please remember who it is you are here to serve this day.

"Gracious God, may the efforts, decisions, and votes of each Senator today be understood, if not appreciated, by their friends and applauded by the electorate as a good decision for all the people, friend and foe alike. Great God, you are kind to the

wicked and ungrateful (Luke 6:35). May we be as magnanimous in our efforts to serve all the people. Amen."

The Chair grants leaves of absence for today to Senator Garwood and Senator Holloman.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, 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. Susan R. Mims from Asheville, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 583, AN ACT TO PROTECT CHILDREN IN THE PUBLIC SCHOOLS FROM EXPOSURE TO TOBACCO BY REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT WRITTEN POLICIES PROHIBITING THE USE OF TOBACCO PRODUCTS IN PUBLIC SCHOOL BUILDINGS.

S.B. 847, AN ACT TO CLARIFY LATE FEES CHARGED TO RESIDENTIAL TENANTS.

S.B. 963, AN ACT TO PROHIBIT SELLERS FROM CHARGING EXCESSIVE PRICES ON THEIR MERCHANDISE AND SERVICES DURING DECLARED STATES OF DISASTER.

S.B. 1016, AN ACT REQUIRING NURSING HOMES TO ESTABLISH A MEDICATION MANAGEMENT ADVISORY COMMITTEE AND SPECIFYING THE DUTIES OF THE COMMITTEE AND TO REQUIRE NURSING HOMES TO DO CERTAIN THINGS PERTAINING TO THE REDUCTION OF MEDICATION-RELATED ERRORS TO INCREASE PATIENT SAFETY.

H.B. 974, AN ACT TO PROHIBIT THE PURCHASE OF RECONSTITUTED OR RECOMBINED FLUID MILK BY ANY DEPARTMENT, INSTITUTION, OR AGENCY OF THE STATE.

H.B. 999, AN ACT MAKING VOID AND UNENFORCEABLE AS A MATTER OF PUBLIC POLICY ANY PROVISION IN ANY AGREEMENT OR CONTRACT THAT PROHIBITS THE REUSING, REMANUFACTURING, OR REFILLING OF A TONER OR INKJET CARTRIDGE.

And the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

July 16, 2003

S.B. 357, AN ACT TO ALLOW MAYLAND COMMUNITY COLLEGE TO LEASE OR SELL AT PRIVATE SALE TWO PROPERTIES AND TO CLARIFY THAT THE CITY OF ROANOKE RAPIDS MAY ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS.

S.B. 452, AN ACT CONCERNING SATELLITE ANNEXATIONS BY MUNICIPALITIES IN UNION COUNTY.

H.B. 401, AN ACT AUTHORIZING THE CITY OF HENDERSON TO CONVEY CERTAIN PROPERTY AT PRIVATE SALE, AND TO ALLOW THE CITY TO ACCEPT A DEED SUBJECT TO A DEED OF TRUST.

H.B. 474, AN ACT TO AMEND THE EMERGENCY PENSION FUND FOR LAW ENFORCEMENT OFFICERS IN MECKLENBURG COUNTY.

H.B. 570, AN ACT TO AMEND THE PROVISIONS OF THE CITY OF LUMBERTON FIREMEN'S RELIEF FUND AND SUPPLEMENTARY PENSION FUND.

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. 1170, AN ACT TO ENHANCE THE BENEFITS OF MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES RETIREMENT SYSTEM. (Became law upon approval of the Governor, July 15, 2003--S.L. 2003-319.)

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 Dalton for the **Appropriations/Base Budget Committee**:

H.B. 48 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA MOVING AHEAD TRANSPORTATION INITIATIVE BY ALLOWING CASH BALANCES IN THE HIGHWAY TRUST FUND TO BE USED TO MEET CRUCIAL TRANSPORTATION NEEDS, TO REQUIRE FUNDS DESIGNATED BY THIS ACT FOR PRESERVATION, MODERNIZATION, AND MAINTENANCE BE EXPENDED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CERTIFY THAT USE OF FUNDS IN ACCORDANCE WITH THIS ACT WILL NOT DELAY CONSTRUCTION OF ANY HIGHWAY TRUST FUND PROJECT, TO REAFFIRM THE INTENT OF THE GENERAL ASSEMBLY THAT PROCEEDS FROM THE ISSUANCE OF BONDS UNDER AUTHORITY OF THE STATE HIGHWAY BOND ACT OF 1996 SHALL BE USED FOR THE PURPOSES STATED IN THAT ACT, AND

FOR NO OTHER PURPOSE, TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY SOLUTIONS TO NORTH CAROLINA'S URBAN TRANSPORTATION NEEDS, AND TO CLARIFY THE EFFECTIVENESS OF PERMITS ISSUED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, 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 80354, which changes the title to read **H.B. 48** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA MOVING AHEAD TRANSPORTATION INITIATIVE BY ALLOWING CASH BALANCES IN THE HIGHWAY TRUST FUND TO BE USED TO MEET CRUCIAL TRANSPORTATION NEEDS, TO REQUIRE FUNDS DESIGNATED BY THIS ACT FOR PRESERVATION, MODERNIZATION, AND MAINTENANCE BE EXPENDED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CERTIFY THAT USE OF FUNDS IN ACCORDANCE WITH THIS ACT WILL NOT DELAY CONSTRUCTION OF ANY HIGHWAY TRUST FUND PROJECT, TO REAFFIRM THE INTENT OF THE GENERAL ASSEMBLY THAT PROCEEDS FROM THE ISSUANCE OF BONDS UNDER AUTHORITY OF THE STATE HIGHWAY BOND ACT OF 1996 SHALL BE USED FOR THE PURPOSES STATED IN THAT ACT, AND FOR NO OTHER PURPOSE, TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY SOLUTIONS TO NORTH CAROLINA'S URBAN TRANSPORTATION NEEDS, TO REQUIRE FUNDS TRANSFERRED FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND TO BE REPAID, TO DELAY IMPLEMENTATION OF AGRICULTURAL VEHICLE ESCORT TRAINING AND CERTIFICATION, TO ALLOW FARMERS TO MOVE EQUIPMENT BETWEEN FARMS WITHOUT A FLAGMAN, AND TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO IMPLEMENT CURRITUCK SOUND FERRY SERVICE, is adopted and engrossed.

Upon motion of Senator Garrou, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

By Senator Metcalf for the **Education/Higher Education Committee**:

H.B. 150 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CRITERIA FOR AWARDING STATE GRANTS TO STUDENTS ATTENDING CERTAIN ACCREDITED INSTITUTIONS OF HIGHER EDUCATION, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 1026 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE PROGRAM FOR THE COLLECTION OF WORTHLESS CHECKS AVAILABLE STATEWIDE, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

July 16, 2003

S.B. 753 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE QUALIFICATIONS FOR PERSONS NOMINATED AS MAGISTRATES AND TO ESTABLISH A PILOT PROGRAM IN TWELFTH JUDICIAL DISTRICT TO ADDRESS CONFLICTING CHILD CUSTODY ORDERS, with a favorable report, as to concurrence.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 281 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

With unanimous consent, upon motion of Senator Dalton, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Pensions & Retirement and Aging Committee**.

The Senate recesses at 2:31 P.M. for the purpose of a Pensions & Retirement and Aging Committee meeting to reconvene at 2:36 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

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 Dalton for the **Pensions & Retirement and Aging Committee**:

H.B. 281 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, with a favorable report.

Upon motion of Senator Dalton, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 543 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE DEPUTY FIRE MARSHALS, ASSISTANT FIRE MARSHALS, AND COUNTY FIREFIGHTERS AS ELIGIBLE MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND, with a favorable report.

Upon motion of Senator Dalton, 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. 1100, A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF THE WILDLIFE RESOURCES COMMISSION TO ENABLE PROTECTION OF CERTAIN REPTILES AND AMPHIBIANS REQUIRING CONSERVATION MEASURES, 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 50295, which changes the title to read **H.B. 1100** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE STATE'S MASTER SETTLEMENT AGREEMENT FUNDS, is adopted and engrossed.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 872 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE PROTECTIONS FOR TELEPHONE SUBSCRIBERS WHO WISH TO STOP UNWANTED TELEPHONE SOLICITATIONS AND FOR CONSUMERS WHO ENTER INTO TELEMARKETING TRANSACTIONS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Thomas, the rules are suspended, without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration for concurrence in the House Committee Substitute bill.

Upon motion of Senator Thomas, the Senate fails to concur in the House Committee Substitute bill (0-48).

Senator Thomas offers a motion that the Senate appoint conferees, which motion prevails.

COMMITTEE REPORT

By Senator Lucas for the **Education/Higher Education Committee**:



SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

2003-2004 Biennium

Senator Jeanne Lucas, Co-Chair

Room 300-0, LOB

Raleigh, NC

(919) 733-4599

Senator Steve Metcalf, Co-Chair

Room 300-B, LOB

Raleigh, NC 27601-2808

(919) 733-7850

Senator John Garwood, Co-Chair

Room 1113, LB

Raleigh, NC 27601-2808

(919) 733-5742

July 16, 2003

July 18, 2003

The President and Members of the Senate
North Carolina General Assembly
State Legislative Building
Raleigh, North Carolina 27601

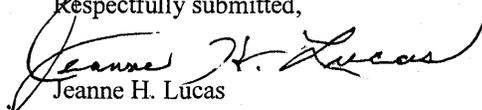
Dear Madame President and Members of the Senate:

In compliance with the provisions of G.S. 135-6 requiring appointees to the Board of Trustees of the North Carolina Teachers' and State Employees' Retirement System to be confirmed by the Senate, Governor Easley has submitted his appointees, Ms. Shirley Harris, Mr. Leslie Leroy Pittman and the reappointment of Mr. Daniel DeVane and Ms. Shirley Ann Bell, for confirmation. Their terms are effective immediately upon confirmation. The terms of Ms. Harris, Mr. DeVane and Ms. Bell will expire March 31, 2007. The term of Mr. Pittman will expire on March 31, 2004.

The Senate Committee on Education/Higher Education has considered the appointments and makes the following recommendation to the Senate:

That the appointment of Ms. Shirley Harris to the Board of Trustees of the Teachers' and State Employees' Retirement System beginning immediately and expiring on March 31, 2007, be confirmed. That the reappointment of Mr. Daniel DeVane and Ms. Shirley Ann Bell to the Board of Trustees of the Teachers' and State Employees' Retirement System beginning immediately and expiring on March 31, 2007, be confirmed. That the appointment of Mr. Leslie Leroy Pittman to the Board of Trustees of the Teachers' and State Employees' Retirement System beginning immediately and expiring on March 31, 2004, be confirmed.

Respectfully submitted,



Jeanne H. Lucas

Upon motion of Senator Lucas, the appointment of Shirley Harris, Leslie Leroy Pittman, and the reappointment of Daniel DeVane and Shirley Ann Bell, to the Board of Trustees for the Teachers' and State Employees' Retirement System are confirmed (48-0).

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives
July 15, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for HB 855, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR A SPECIAL REGISTRATION PLATE AND TO CREDIT THE INCREASED FEE REVENUE TO THE NATURAL HERITAGE TRUST FUND AND THE PARKS AND RECREATION TRUST FUND, TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE NUMBER OF SPECIAL REGISTRATION PLATES THAT HAVE NOT RECEIVED THE MINIMUM NUMBER OF APPLICATIONS WITHIN THREE YEARS OF THEIR AUTHORIZATION AND ALTERNATIVE METHODS OF IDENTIFYING NORTH CAROLINA REGISTRATION PLATES, TO ALLOW THE NC COASTAL FEDERATION SPECIAL PLATE TO HAVE A DIFFERENT PLATE BACKGROUND, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: ALTERNATIVE FUEL VEHICLES, BE ACTIVE NC, BLUE RIDGE PARKWAY FOUNDATION, BREAST CANCER AWARENESS, BUFFALO SOLDIERS, CELEBRATE ADOPTION, CRYSTAL COAST ARTIFICIAL REEF ASSOCIATION, DELTA SIGMA THETA SORORITY, FRATERNAL ORDER OF POLICE, FRIENDS OF THE APPALACHIAN TRAIL, MOTHERS AGAINST DRUNK DRIVING, POW/MIA, RED HAT SOCIETY, RETIRED LAW ENFORCEMENT OFFICERS, SURVEYORS, AND ZETA PHI BETA SORORITY, and requests conferees.

Speaker Black has appointed:

Representative Alexander, Chair
Representative Howard,
Representative Justice,
Representative Luebke,
Representative Rayfield,
Representative Wainwright
Representative Sherrill, and
Representative Haire

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
July 15, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information

July 16, 2003

that the House has adopted the report of the Conferees on HB 1062 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE COMMUNITY WATER SYSTEMS THAT REGULARLY SERVE ONE THOUSAND OR MORE SERVICE CONNECTIONS OR THREE THOUSAND OR MORE INDIVIDUALS TO PREPARE LOCAL WATER SUPPLY PLANS AND TO AUTHORIZE THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO MAKE DROUGHT DESIGNATIONS.

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

S.B. 563 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAWS REGULATING ATHLETE AGENTS AND TO ADOPT THE UNIFORM ATHLETE AGENTS ACT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 17.

S.B. 659 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF THE SECRETARY OF STATE TO INCLUDE IN ITS ANNUAL REPORT INFORMATION REGARDING SOLICITATIONS OF CHARITABLE CONTRIBUTIONS THAT INFORMS THE PUBLIC OF THE PERCENTAGES OF THE SOLICITORS' REVENUES THAT CHARITABLE ORGANIZATIONS OR SPONSORS WILL RECEIVE AS BENEFITS FROM SOLICITATION CAMPAIGNS, TO PROVIDE FOR WIDER DISSEMINATION OF THE ANNUAL REPORT TO THE PUBLIC AND TO EXEMPT CERTAIN NONPROFIT FIRE OR EMERGENCY MEDICAL SERVICE ORGANIZATIONS FROM REPORTING AND OTHER REQUIREMENTS, for concurrence in the House Committee Substitute.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 17.

S.B. 705 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 17.

S.B. 819 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING THE SALE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC DISTRICT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 17.

H.B. 757, A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWN OF OAK ISLAND.

Referred to **Finance Committee**.

H.B. 1256 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DIRECT THE SECRETARY OF HEALTH AND HUMAN SERVICES TO ESTABLISH A DNA DATABANK FOR THE VOLUNTARY SUBMISSION BY INDIVIDUALS OF DNA SAMPLES LINKED WITH THE INDIVIDUAL'S MEDICAL RECORD.

Referred to **Health and Human Resources Committee**.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 872 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE PROTECTIONS FOR TELEPHONE SUBSCRIBERS WHO WISH TO STOP UNWANTED TELEPHONE SOLICITATIONS AND FOR CONSUMERS WHO ENTER INTO TELEMARKETING TRANSACTIONS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill earlier today and a motion by Senator Thomas to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Thomas, Chair, Senator Swindell and Senator Apodaca 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*)

H.B. 313 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE AND REVISE THE CHARTER OF THE CITY OF ROCKY MOUNT, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, July 17, upon third reading.

H.B. 736 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO COLLECT A GENERAL MUNICIPAL VEHICLE TAX OF UP TO TEN DOLLARS ON VEHICLES RESIDENT IN THE CITY AND TO AUTHORIZE THE CITY OF DURHAM TO

ENTER INTO A JOINT AGREEMENT WITH A PRIVATE UNIVERSITY TO EXTEND THE JURISDICTION OF THE CAMPUS LAW ENFORCEMENT AGENCY OF THE PRIVATE UNIVERSITY INTO THE JURISDICTION OF THE CITY OF DURHAM, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 38, noes 9, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Bingham, Blake, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—38.

Voting in the negative: Senators Allran, Apodaca, Ballantine, Berger, Brock, Carpenter, Forrester, Foxx and Pittenger—9.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, July 17, upon third reading.

H.B. 751 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE TITLE TO EXISTING LAND AND THE LAND BUILT UP AND CONSTRUCTED IN THE TOWN OF KITTY HAWK IN THE COUNTY OF DARE AS A RESULT OF CERTAIN EROSION CONTROL WORK IN SAID TOWN AND ANNEXING A TRACT TO THE CORPORATE LIMITS OF THAT TOWN, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—48.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, July 17, upon third reading.

H.B. 1030 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE CONCEALED HANDGUN PERMIT APPLICATION AND RENEWAL FEES FOR QUALIFIED RETIRED SWORN LAW ENFORCEMENT OFFICERS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—46.

Voting in the negative: Senator Dorsett—1.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, July 17, upon third reading.

S.B. 464 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE DEBT AFFORDABILITY ADVISORY COMMITTEE AND THE CAPITAL PROJECTS PRIORITY COMMITTEE.

Senator Gulley offers Amendment No. 1 which is adopted (47-1).

The Committee Substitute bill, as amended, passes its second (47-1) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

The Chair grants a leave of absence for the remainder of today's session to Senator Forrester.

S.B. 760 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT GRANTS FROM UNIFORM PROGRAMS FOR PUBLIC CAMPAIGN FINANCING DO NOT CONSTITUTE "CONTRIBUTIONS" AND ARE NOT SUBJECT TO RESTRICTIONS ON CONTRIBUTIONS; TO CLARIFY THAT GOVERNMENTS IN CITIES AND COUNTIES OF A CERTAIN SIZE ARE AUTHORIZED TO CONDUCT THOSE PROGRAMS; AND TO REQUIRE A REVIEW OF LOCAL PUBLIC CAMPAIGN FINANCING PROGRAMS.

Senator Gulley calls the previous question on second reading, seconded by Senator Rand, which motion prevails (33-14).

The Committee Substitute bill No. 2 passes its second reading (28-19).

Senator Smith 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, July 17.

CONFERENCE REPORT

Senator Carpenter for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 986** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A MOTOR VEHICLE INSURER TO DISCLOSE ANY FINANCIAL INTEREST IN A RECOMMENDED REPAIR FACILITY OR SERVICE, 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 986, A BILL TO BE ENTITLED AN ACT TO REQUIRE A MOTOR VEHICLE INSURER TO DISCLOSE ANY FINANCIAL INTEREST IN A RECOMMENDED REPAIR FACILITY OR SERVICE, Senate Commerce Committee Substitute Adopted 6/9/03, submit the following report:

The House and the Senate agree to the following amendment to the Senate Commerce Committee Substitute Adopted 6/9/03, and the House concurs in the Senate Commerce Committee Substitute as amended:

Delete the entire Senate Commerce Committee Substitute Adopted 6/9/03 and substitute the attached proposed Conference Committee Substitute H986-CCSLK-172 [v.8].

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The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 16, 2003.

Conferees for the Senate

S/R.C. Soles, Jr., Chair
S/Tony Rand
S/Robert C. Carpenter

Conferees for the
House of Representatives

S/Marvin W. Lucas, Chair
S/Ronnie. N. Sutton
E. Nelson Cole
S/Stephen A. LaRoque
S/Keith P. Williams
S/Karen B. Ray

The text of the attached Proposed Conference Committee Substitute H986-CCSLK-172[v.8] is as follows:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A MOTOR VEHICLE INSURER TO DISCLOSE ANY FINANCIAL INTEREST IN A RECOMMENDED REPAIR FACILITY OR SERVICE AND REQUIRING AN INSURER TO DISCLOSE THE USE OF NONORIGINAL CRASH REPAIR PARTS OR NONORIGINAL AUTO GLASS FOR MOTOR VEHICLE REPAIRS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 58-3-180(b1) reads as rewritten:

"(b1) No insurer or insurer representative shall recommend the use of a particular motor vehicle repair service without clearly informing the claimant that (i) the claimant is under no obligation to use the recommended repair service, (ii) the claimant may use the repair service of the claimant's choice, ~~and~~ (iii) the amount determined by the insurer to be payable under the policy will be paid regardless of whether or not the claimant uses the recommended repair ~~service~~ service, and (iv) that the insurer or insurer representative has, at the time the recommendations are made, a financial interest in the recommended motor vehicle repair service. No insurer shall require that the insured or claimant must have a damaged vehicle repaired at an insurer-owned motor vehicle repair service."

SECTION 2. Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-36-95. Use of nonoriginal crash repair parts.

(a) As used in this section, the following definitions apply:

- (1) "Insurer" includes any person authorized to represent an insurer with respect to a claim.
- (2) "Nonoriginal crash repair part" refers to sheet metal and/or plastic parts – generally components of the exterior of a motor vehicle – that are not manufactured by or for the original equipment manufacturer of the vehicle.

(b) An insurer shall disclose to a claimant in writing, either on the estimate or on a separate document attached to the estimate, the following in no smaller than ten point type: "THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF

AUTOMOBILE PARTS NOT MADE BY THE ORIGINAL MANUFACTURER. PARTS USED IN THE REPAIR OF YOUR VEHICLE MADE BY OTHER THAN THE ORIGINAL MANUFACTURER ARE REQUIRED TO BE AT LEAST EQUIVALENT IN TERMS OF FIT, QUALITY, PERFORMANCE, AND WARRANTY TO THE ORIGINAL MANUFACTURER PARTS THEY ARE REPLACING.'

(c) It is a violation of G.S. 58-2-180 for an automobile repair facility or parts person to place a nonoriginal crash repair part, nonoriginal windshield, or nonoriginal auto glass on a motor vehicle and to submit an invoice for an original repair part.

(d) Any insurer or other person who has reason to believe that fraud has occurred under this section shall report that fraud to the Commissioner for further action pursuant to G.S. 58-2-160."

SECTION 3. Article 36 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-36-41. Development of policy endorsement for exclusive use of original equipment manufactured crash parts.

The Rate Bureau shall develop an optional policy endorsement to be filed with the Commissioner for approval that permits policyholders to elect nonfleet private passenger motor vehicle physical damage coverage specifying the exclusive use of original equipment manufactured crash parts."

SECTION 4. Sections 2 and 3 of this act become effective January 1, 2004. The remainder of this act is effective when it becomes law.

The Conference Report is placed on the Calendar for tomorrow, Thursday, July 17, for adoption.

WITHDRAWAL FROM COMMITTEE

S.J.R. 1022, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF SAMUEL KOONCE, FORMER CIVIC LEADER, referred to the **Rules and Operations of the Senate Committee** on May 22.

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 tomorrow, Thursday, July 17, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for tomorrow, Thursday, July 17.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 855 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR A SPECIAL REGISTRATION PLATE AND TO CREDIT THE INCREASED FEE REVENUE TO THE NATURAL HERITAGE TRUST FUND AND THE PARKS AND RECREATION TRUST FUND, TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE NUMBER OF SPECIAL REGISTRATION PLATES THAT HAVE NOT RECEIVED THE MINIMUM NUMBER OF APPLICATIONS WITHIN THREE YEARS OF THEIR AUTHORIZATION AND

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ALTERNATIVE METHODS OF IDENTIFYING NORTH CAROLINA REGISTRATION PLATES, TO ALLOW THE NC COASTAL FEDERATION SPECIAL PLATE TO HAVE A DIFFERENT PLATE BACKGROUND, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: ALTERNATIVE FUEL VEHICLES, BE ACTIVE NC, BLUE RIDGE PARKWAY FOUNDATION, BREAST CANCER AWARENESS, BUFFALO SOLDIERS, CELEBRATE ADOPTION, CRYSTAL COAST ARTIFICIAL REEF ASSOCIATION, DELTA SIGMA THETA SORORITY, FRATERNAL ORDER OF POLICE, FRIENDS OF THE APPALACHIAN TRAIL, MOTHERS AGAINST DRUNK DRIVING, POW/MIA, RED HAT SOCIETY, RETIRED LAW ENFORCEMENT OFFICERS, SURVEYORS, AND ZETA PHI BETA SORORITY.

Pursuant to the message from the House of Representatives received today, July 16, that the House fails to concur in the Senate Committee Substitute bill for H.B. 855 and requests conferees, the President *Pro Tempore* appoints Senator Kerr, Chair; Senator Hoyle; Senator Queen; 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.

CALENDAR *(continued)*

S.B. 859 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CATAWBA RIVER BASIN BI-STATE ADVISORY COMMISSION AND TO APPROPRIATE FUNDS TO ENABLE THE COMMISSION TO ACHIEVE ITS PURPOSES.

The Committee Substitute bill passes its second reading (47-0) and third reading (47-0) and is ordered sent to the House of Representatives by special message.

H.J.R. 69, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF THOMAS BELL HUNTER, FORMER MEMBER OF THE GENERAL ASSEMBLY.

With unanimous consent, upon motion of Senator Purcell, the joint resolution is read in its entirety and, upon motion of Senator Foxx, the remarks of Senator Purcell are spread upon the Journal, as follows:

Senator Purcell:

“Mr. President, I don’t believe any of the family was able to be here today, but the resolution very adequately covers what I remember about Thomas Hunter. I would say that he also was a very strong supporter and confidant of Terry Sanford when he was serving as Governor and also while he was serving in your United States Senate. I ask that you vote for this resolution.”

The joint resolution passes its second reading (43-0) and third reading with members standing, and is ordered enrolled.

CONFERENCE REPORT

Senator Clodfelter, for the Conferees appointed to consider the differences arising

between the Senate and the House of Representatives upon **H.B. 926** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PENALTY FOR AN ASSAULT IN THE PRESENCE OF A MINOR, 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 926, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PENALTY FOR AN ASSAULT IN THE PRESENCE OF A MINOR., Senate Judiciary I Committee Substitute, Adopted 6/9/03, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Judiciary I Committee Substitute, Adopted 6/9/03, 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, H926-PCCS50297-RK-21.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 16, 2003.

Conferees for the Senate

S/Daniel G. Clodfelter, Chair
S/Kay R. Hagan
S/Katie G. Dorsett
S/Scott Thomas
S/Richard Y. Stevens

Conferees for the
House of Representatives

S/Margaret H. Dickson, Chair
S/Jeffrey L. Barnhart
S/Michael Gorman
S/Timothy K. Moore
S/Wilma M. Sherrill
S/Ronnie N. Sutton
S/Jennifer Weiss

The text of the attached Proposed Conference Committee Substitute H926-PCCS50297-RK-21 is as follows:

A BILL TO BE ENTITLED
AN ACT TO ENHANCE THE PENALTY FOR AN ASSAULT IN THE
PRESENCE OF A MINOR.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-33 is amended by adding a new subsection to read:

"(d) Any person who, in the course of an assault, assault and battery, or affray, inflicts serious injury upon another person, or uses a deadly weapon, in violation of subdivision (c)(1) of this section, on a person with whom the person has a personal

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relationship, and in the presence of a minor, shall be placed on supervised probation in addition to any other punishment imposed by the court.

A person committing a second or subsequent violation of this subsection shall be sentenced to an active punishment of no less than 30 days in addition to any other punishment imposed by the court.

The following definitions apply to this subsection:

- (1) "Personal relationship" is as defined in G.S. 50B-1(b).
- (2) "In the presence of a minor" means that the minor was in a position to have observed the assault.
- (3) "Minor" is any person under the age of 18 years who is residing with or is under the care and supervision of, and who has a personal relationship with, the person assaulted or the person committing the assault."

SECTION 2. This act becomes effective December 1, 2003, and applies to offenses committed on or after that date.

The Conference Report is placed on the Calendar for tomorrow, Thursday, July 17, for adoption.

CALENDAR (*continued*)

H.B. 79 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A DNA SAMPLE BE TAKEN FROM ANY PERSON CONVICTED OF ANY FELONY OR CERTAIN OTHER CRIMINAL OFFENSES OR WHO IS FOUND NOT GUILTY BY REASON OF INSANITY OF ANY FELONY OR CERTAIN OTHER CRIMINAL OFFENSES, TO CLARIFY WHEN THAT SAMPLE IS TAKEN, AND TO CLARIFY CONFIDENTIALITY.

The Senate Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 223, A BILL TO BE ENTITLED AN ACT TO PERMIT THE STATE BOARD OF COMMUNITY COLLEGES TO USE CERTAIN FUNDS TO PROVIDE FINANCIAL ASSISTANCE TO STUDENTS WITH DISABILITIES.

The bill passes its second 47-0 and third readings and is ordered enrolled and sent to the Governor.

H.J.R. 231, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CHARLES BENNETT "C.B." DEANE, FORMER NORTH CAROLINA MEMBER OF CONGRESS.

With unanimous consent, upon motion of Senator Purcell, the joint resolution is read in its entirety and, upon motion of Senator Foxx, the remarks of the members, are spread upon the Journal, as follows:

Senator Purcell:

"Thank you Mr. President. I don't believe any of Mr. Dean's family could be here today either, but I would like to make just a brief comment. C.B. Deane was a great, great man, a great outstanding lawyer in Richmond County and served in the U.S. Congress from 1946 to, I believe, 1956. He entered Congress along with John

Kennedy as a freshman and after the U.S. Supreme Court decision, the Brown vs. Board of Education that led to the integration of our public schools with deliberate speed, southern congressmen, as you may remember, decided to push a law which would undo that court decision, specifically the Southern Manifesto, a document denouncing the court decision. Congressman Deane did not support that document, would not sign it. He realized that when he did this he was putting his political career in jeopardy and, sure enough, he was not re-elected to Congress, but he after that served in many ways in Richmond County. He served at Wake Forest. I believe he was on the Board of Trustees there. His son, Charles Deane, later served in this North Carolina Senate and his grandson, Bennett Deane, is now the Mayor *Pro Tem* of Rockingham. John F. Kennedy wrote the book *Profiles of Courage*, but I think C.B. Deane was North Carolina's Congressional Profiles of Courage in his willingness to stand up for what he believed was right and it just seemed appropriate that this Body should recognize the life of C.B. Deane and I ask you to support this resolution."

Senator Blake:

"I'd like to speak in favor of the resolution. I was in high school when Congressman Deane was elected and he represented my district. The principal at my high school was a very patriotic American and I remember one day he called some of us down to his office and we talked about Mr. Deane and it just so happened, my good democratic friends, my principal was a great democrat, also. Congressman Deane was a great human being and I'm really honored that I'm on this floor today to let you know that I had great respect for him and I remember all the debate about the civil rights issue and I was concerned when he lost that race because I knew what it was all about. I'm honored to be here today to certainly support this resolution. I urge my fellow Senators to support this resolution. Thank you very much."

The joint resolution passes its second reading (45-0) and third reading and is ordered enrolled.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee:**

H.B. 471 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO BRING STATE LAW INTO COMPLIANCE WITH RECENTLY ADOPTED FEDERAL REGULATIONS CONCERNING THE EFFECT OF VIOLATION OF RAILROAD CROSSING SAFETY AND OTHER STATE LAWS ON COMMERCIAL DRIVERS LICENSES, AND REQUIRING A NEW "S" ENDORSEMENT FOR PERSONS OPERATING SCHOOL BUSES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE; AND TO REQUIRE A MOPED IDENTIFICATION TAG, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 45182, which changes the title to read **H.B. 471** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BRING STATE LAW INTO COMPLIANCE WITH RECENTLY ADOPTED FEDERAL REGULATIONS CONCERNING THE EFFECT OF VIOLATION OF RAILROAD CROSSING SAFETY AND OTHER STATE LAWS ON COMMERCIAL DRIVERS LICENSES, AND REQUIRING A NEW "S" ENDORSEMENT FOR PERSONS OPERATING SCHOOL BUSES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE; AND TO STUDY THE NEED FOR A MOPEL IDENTIFICATION TAG PROGRAM, is adopted and engrossed.

H.B. 972 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AN INTERNET-BASED ALTERNATIVE TO PROPERTY TAX CERTIFICATION PROCEDURES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 45177 is adopted and engrossed.

H.B. 1182 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE OCCUPATIONAL SAFETY AND HEALTH ACT AND TO ENHANCE THE PENALTY IF A WILLFUL VIOLATION OF THE ACT CAUSES AN EMPLOYEE'S DEATH, 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 45184, which changes the title to read **H.B. 1182** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE USURY EXEMPTION, is adopted and engrossed.

H.B. 1257 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING VARIOUS PROVISIONS OF THE RESPIRATORY CARE PRACTICE ACT, 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, 45185, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 1028 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES TO ESTABLISH A GENERAL PERMIT FOR THE CONSTRUCTION OF RIPRAP SILLS FOR WETLAND ENHANCEMENT AND SHORELINE PROTECTION IN ESTUARINE AND PUBLIC TRUST WATERS, TO PROHIBIT THE CONSTRUCTION OF PERMANENT EROSION CONTROL STRUCTURES IN OCEAN SHORELINES, AND TO PROVIDE THAT TEMPORARY EROSION CONTROL STRUCTURES IN OCEAN SHORELINES SHALL BE LIMITED TO SANDBAGS.

Senator Albertson offers Amendment No. 1 which is adopted (47-0).

The Senate Committee Substitute bill No. 2, as amended, passes its second (47-0)

and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute Bill No. 2.

H.B. 1066 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE THE SUBMISSION OF COMPLETE CLAIMS BY PROVIDERS UNDER HEALTH BENEFIT PLANS BY REQUIRING HEALTH BENEFIT PLANS TO DISCLOSE TO CONTRACT PROVIDERS THE PLANS' SCHEDULES OF FEES AND CLAIMS SUBMISSION AND REIMBURSEMENT POLICIES, AND TO PROVIDE NOTICE TO THE PROVIDER PRIOR TO IMPLEMENTING CHANGES TO THE SCHEDULES OR POLICIES.

The Senate Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 1114 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VOLUNTEER FILES MAINTAINED BY LOCAL BOARDS OF EDUCATION PRIVATE.

The Senate Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

The Honorable Marc Basnight, President Pro Tempore, relinquishes the gavel to The Honorable Charlie Dannelly, Deputy President Pro Tempore, who presides in the absence of the Lieutenant Governor.

H.B. 1213 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE DEFERRED DEPOSIT TRANSACTIONS AND TO PROVIDE ADDITIONAL CONSUMER DISCLOSURES AND PROTECTIONS.

Upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

H.B. 1301 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS THAT ARE JOINTLY UNDERTAKING A DEVELOPMENT PROJECT TO ENTER INTO AGREEMENTS TO FINANCE THE PROJECT.

The Committee Substitute bill passes its second (46-1) and third readings and is ordered enrolled and sent to the Governor.

H.J.R. 1328, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF REVERENDS ADOLPHEUS NUSSMAN AND GOTTFRIED ARENDS ON THE 200TH ANNIVERSARY OF THE NORTH CAROLINA SYNOD OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA

Upon motion of Senator Hoyle, the joint resolution is read in its entirety.

Senator Allran offers Amendment No. 1 which is adopted (45-0), and changes the title to read **H.J.R. 1328**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF REVERENDS ADOLPHEUS NUSSMAN AND JOHANN GOTTFRIED ARENDS ON THE 200TH ANNIVERSARY OF THE NORTH CAROLINA SYNOD OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA.

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Upon motion of Senator Foxx, the remarks of the members, are spread upon the Journal, as follows:

Senator Hoyle:

"Thank you Mr. President and members of the Senate. On October 31, 1517, Martin Luther posted his Ninety-Five Theses on the Catholic Church door in Wittenberg, Germany and the reformation began. Luther's followers, and Lutherans as they became to be called, spread very quickly throughout Germany and into some of the Scandinavian countries. As German immigrants began coming to the United States, they brought their Lutheran beliefs and their Lutheran faith. If you look at the history of North Carolina and you wanted to try to find out where the Germans settled, one would only have to look at the concentration of Lutheran Churches and Lutheran congregations. Counties like Gaston, Lincoln, Catawba, Rowan, Iredell, Alexander Counties in the Piedmont of North Carolina have a proliferation of Lutheran churches. The little town of Dallas, where I come from, we have, I think, six Lutheran Churches with a Dallas address. We may even outnumber the Baptists, low and behold. I'm proud of my faith and my church and its history. I'm particularly proud of the outreach and extended ministries of the Lutheran Church. The Lutheran Family Services organization is known by many, providing services to the poor, disenfranchised, and disadvantaged. Lutheran Family Homes provides outreach services for the aging and to receive those services you certainly don't have to be a member of a Lutheran Church. It's a wonderful ministry to many people and all faiths. I believe I'm probably the only Lutheran member of the Senate. I think there are about four that serve in the House. If I'm missing that someone raise your hand and help me a little bit. I think it's commendable that we formally recognize the Two-Hundredth Anniversary of the North Carolina Synod of the Lutheran Church in America for their services to the citizens of North Carolina and I commend this resolution to you."

Senator Allran:

"First of all ladies and gentlemen of the Senate, I'd certainly like to thank Senator Hoyle, this is really his resolution, for graciously allowing me to amend it and also to speak. Senator Hoyle is a good Lutheran. He is a Lenoir-Rhyne College graduate and a big supporter of Lenoir-Rhyne College. He's also from the same area where John Gottfried Arndt, the protagonist in this resolution, is from. Senator Hoyle's roots go back deep in the area of North Carolina that pertains to this resolution. I'd also like to thank Representative Lorene Coates. She had this resolution drawn up to honor the Two-Hundredth Anniversary of the founding of the Lutheran Church, so I can't take any credit for this resolution, but it's still special to me and significant because the founder of the Synod and first President who is, as it says in the resolution, Johann Gottfried Arends, or as we call him back home, John Gottfried Arndt, which is his Anglicized name, is my great, great, great, great, great, grandfather. So I was kind of taken aback when I found out that he was being honored, or memorialized because I didn't get any advance notice of that, but I think it's kind of neat anyway. I'd also like to say that it's amazing to me that there's only one Lutheran in the entire Senate and maybe only four in both Bodies at the North Carolina Legislature, because where I come from Lutherans are everywhere. It's such a German area. On one street corner in Hickory we've got three different Lutheran Churches, one on each of the four corners and they all represent different

Synods of the Lutheran Church. When I was an undergrad in college, I wrote a paper on John Gottfried Arndt for a history course. He was an extraordinary person and I know the hour is late, but I want to share a few things about this gentleman with you. He was the first man ordained a Lutheran minister in North Carolina. He helped found the North Carolina Synod of the Lutheran Church. He was the first President of the North Carolina Synod of the Lutheran Church. I amended the resolution to take out the word Bishop because in my whole life I have never heard my great, great, great, great grandfather ever referred to as a Bishop. Everybody in my family always said he was the first President of the North Carolina Synod, so I think probably the Lutheran Church probably retook the word bishop sometime fairly recently, is my guess. Back in the time when he helped found the Synod, the Lutheran church was anti-Catholic enough that they would not have used the term Bishop. He is often referred to in the history books as the 'Father of the Lutheran Church in North Carolina.' He was born in 1740 in Germany. Back in the backwoods of Western North Carolina, which is where we are talking about, in the area that is now Lincoln County, Lincoln came out of Tryon County and Catawba came out of Lincoln, but in that area of Western North Carolina where we're talking about, and Gastonia, the Lutherans in North Carolina who were people who emigrated from Pennsylvania to Western North Carolina in the mid 1700's, not only needed a minister, but they also needed a schoolteacher and very few of them had the ability to read or write at that time, so they needed a minister and they needed a teacher. They applied to the Lutheran Church in Germany and the Lutheran church in Germany sent them Adolph Nussman as the minister and they sent John Gottfried Arndt, or Johann Gottfried Arends as his German name was pronounced, as the schoolteacher. When Arends came, he brought with him an official letter of recommendation from King George III because George III not only was the King of England, he was the Elector of Hanover of the Holy Roman Empire at that time. Arends was ordained a minister in 1775. To say that there were very few Lutheran ministers at that time would be an understatement. Actually there were virtually none. Therefore, by necessity he was an itinerant minister. He rode on horseback back and forth from one congregation to another all over Western North Carolina. In all, he organized or helped organize nineteen congregations in Western North Carolina. Sometimes they were union churches between the Reform Church and the Lutheran Church and Senator Hoyle was saying to me he didn't know how my father was in the United Church of Christ, that church evolved out of the Reform Church and the Reform Church was originally the German Reform Church which is the second oldest protestant denomination, after the oldest Protestant denomination, which is Lutheran. The original split between those two churches was over the issue of the equality of the elements in the Eucharist because Luther believed they were literally the blood and body of Christ and the Reform Church believed that they were representational. That was a big split back in Europe, but in this country the Lutherans and the Reform were very, very close because they shared the same culture, and history, and language and so they often worshipped together. During the Revolution, Pastor Arends took the side of the Patriots and preached in favor of independence. He owned a plantation in Lincoln County where he lived and farmed. He spoke German from the pulpit until his death in 1807 at which time he was blind. He kept a journal for many years, the original of which is in the archives at Lenoir-Rhyne College and it provides a lot of insight into the day-to-day life and activities of people who lived in the 1700's. Also, he talked a lot about, or wrote in there, about

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why there was a need for a Lutheran Church to be established and the reason for that was there was a movement that came across Northwestern North Carolina at that time called the Great Awakening, which was a charismatic movement. It was very emotionally oriented and driven and Arends and some of the other people back then thought that the best thing to do was to bring a little more stability and structure and authority to the Lutheran Church so they created a Synod. I think I'll go on for about another thirty minutes on this. I'm just kidding, just kidding. Last month, about a thousand Lutherans from across the State of North Carolina came to Hickory and met at Lenoir-Rhyne College to begin a yearlong celebration of the two-hundredth anniversary of the founding of the Synod. Johann Gottfried Arends helped found that Synod and he was the first President and I urge your support of this resolution memorializing those events. Thank you."

The joint resolution, as amended, passes its second reading (45-0) and third reading with members standing, and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

S.B. 668 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE WINE SHIPPERS PERMITS TO ALLOW THE DIRECT SHIPMENT OF WINES TO RESIDENTS OF NORTH CAROLINA AND TO ESTABLISH A MECHANISM FOR COLLECTING THE TAXES DUE ON WINE SHIPPED TO NORTH CAROLINA, for concurrence in the House Committee Substitute bill No. 2, upon third reading.

Upon motion of Senator Metcalf the Senate concurs in the House Committee Substitute bill No. 2 on its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Rand, Reeves, Rucho, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The House Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor.

S.B. 679 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PUBLIC FINANCING LAWS OF THE STATE, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Hoyle, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 945 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EXTENT TO WHICH A PROSPECTIVE APPLICANT FOR AN AIR QUALITY PERMIT FOR A NEW FACILITY MAY ENGAGE IN CONSTRUCTION PRIOR TO OBTAINING THE AIR QUALITY PERMIT AND TO SPECIFY THE CIRCUMSTANCES UNDER WHICH A PERSON WHO HOLDS AN AIR QUALITY PERMIT MAY ALTER OR EXPAND THE FACILITY UPON GIVING NOTICE TO THE ENVIRONMENTAL MANAGEMENT COMMISSION AND THE PUBLIC OF THE PERMITTEE'S INTENT TO APPLY FOR MODIFICATION OF THE PERMIT, for concurrence in the House Committee Substitute bill upon third reading.

Upon motion of Senator Hoyle, the Senate concurs in the House Committee Substitute bill, on its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Foxx, Garrou, Gullely, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—45.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 693 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING ENHANCED SENTENCES AS RECOMMENDED BY THE SENTENCING COMMISSION AND TO MAKE CONFORMING CHANGES.

Upon motion of Senator Thomas, the Senate adopts the Conference Report 45-0.

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

H.B. 543 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE DEPUTY FIRE MARSHALS, ASSISTANT FIRE MARSHALS, AND COUNTY FIREFIGHTERS AS ELIGIBLE MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND, 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. 48 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA MOVING AHEAD TRANSPORTATION INITIATIVE BY ALLOWING CASH BALANCES IN THE HIGHWAY TRUST FUND TO BE USED TO MEET CRUCIAL TRANSPORTATION NEEDS, TO REQUIRE FUNDS DESIGNATED BY THIS ACT FOR PRESERVATION, MODERNIZATION, AND MAINTENANCE BE EXPENDED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CERTIFY THAT USE OF FUNDS IN ACCORDANCE WITH THIS ACT WILL NOT DELAY CONSTRUCTION OF ANY HIGHWAY TRUST FUND PROJECT, TO REAFFIRM THE INTENT OF THE GENERAL ASSEMBLY THAT PROCEEDS FROM THE ISSUANCE OF BONDS UNDER AUTHORITY OF THE

STATE HIGHWAY BOND ACT OF 1996 SHALL BE USED FOR THE PURPOSES STATED IN THAT ACT, AND FOR NO OTHER PURPOSE, TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY SOLUTIONS TO NORTH CAROLINA'S URBAN TRANSPORTATION NEEDS, TO REQUIRE FUNDS TRANSFERRED FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND TO BE REPAID, TO DELAY IMPLEMENTATION OF AGRICULTURAL VEHICLE ESCORT TRAINING AND CERTIFICATION, TO ALLOW FARMERS TO MOVE EQUIPMENT BETWEEN FARMS WITHOUT A FLAGMAN, AND TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO IMPLEMENT CURRITUCK SOUND FERRY SERVICE.

Senator Gulley offers Amendment No. 1 which is adopted (44-0).

Senator Foxx offers Amendment No. 2 which is adopted (44-0).

Senator Berger offers Amendment No. 3.

The Senate recesses at 5:55 P.M. with Amendment No. 3, pending to reconvene at 6:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Charlie Dannelly, Deputy President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

H.B. 48 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA MOVING AHEAD TRANSPORTATION INITIATIVE BY ALLOWING CASH BALANCES IN THE HIGHWAY TRUST FUND TO BE USED TO MEET CRUCIAL TRANSPORTATION NEEDS, TO REQUIRE FUNDS DESIGNATED BY THIS ACT FOR PRESERVATION, MODERNIZATION, AND MAINTENANCE BE EXPENDED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CERTIFY THAT USE OF FUNDS IN ACCORDANCE WITH THIS ACT WILL NOT DELAY CONSTRUCTION OF ANY HIGHWAY TRUST FUND PROJECT, TO REAFFIRM THE INTENT OF THE GENERAL ASSEMBLY THAT PROCEEDS FROM THE ISSUANCE OF BONDS UNDER AUTHORITY OF THE STATE HIGHWAY BOND ACT OF 1996 SHALL BE USED FOR THE PURPOSES STATED IN THAT ACT, AND FOR NO OTHER PURPOSE, TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY SOLUTIONS TO NORTH CAROLINA'S URBAN TRANSPORTATION NEEDS, TO REQUIRE FUNDS TRANSFERRED FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND TO BE REPAID, TO DELAY IMPLEMENTATION OF AGRICULTURAL VEHICLE ESCORT TRAINING AND CERTIFICATION, TO ALLOW FARMERS TO MOVE EQUIPMENT BETWEEN FARMS WITHOUT A FLAGMAN, AND TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO IMPLEMENT CURRITUCK SOUND FERRY SERVICE, with Amendment No. 3 pending.

Senator Gulley offers a motion that Amendment No. 3 lie upon the table, seconded by Senator Rand.

The motion to table Amendment No. 3 prevails (26-19).

Senator Horton offers Amendment No. 4.

Senator Gulley offers a motion that Amendment No. 4 lie upon the table, seconded by Senator Rand.

The motion to table Amendment No. 4 prevails (25-20).

The Senate Committee Substitute bill, as amended, passes its second reading (40-5).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the Deputy President *Pro Tempore*, orders the measure, as amended, placed on the Calendar for tomorrow, Thursday, July 17.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives
July 16, 2003

Madame President:

It is ordered that a message be sent to your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for HB 1194, A BILL TO BE ENTITLED AN ACT TO CREATE THE "E-NC" AUTHORITY TO CONTINUE THE WORK OF THE RURAL INTERNET ACCESS AUTHORITY, and requests conferees.

Speaker Morgan has appointed:
Representative Tolson, Chair
Representative Brubaker, and
Representative Culpepper

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
July 16, 2003

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 693 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING ENHANCED SENTENCES AS RECOMMENDED BY THE SENTENCING COMMISSION AND TO MAKE CONFORMING CHANGES.

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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

Pursuant to the Senate having adopted the Conference Report earlier today, the Deputy President *Pro Tempore* orders the bill enrolled and sent to the Governor.

House of Representatives
July 16, 2003

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 963 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PERSONS CONVICTED OF LEAVING THE SCENE OF AN ACCIDENT INVOLVING INJURY OR DEATH MAY LOSE THEIR LICENSE FOR A PERIOD OF TWO YEARS.

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

S.B. 51 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLOSE A LOOPHOLE THAT ALLOWS CORPORATIONS TO CONTINUE AVOIDING FRANCHISE TAXES AND TO REMOVE PROVISIONS THAT COULD RESULT IN FRANCHISE TAXES ON UNRELATED LIMITED LIABILITY COMPANIES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 17.

S.B. 97 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill is placed on today's Calendar.

S.B. 100 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY IN STATE GOVERNMENT BY ALLOWING A SALES AND USE TAX EXEMPTION FOR STATE AGENCIES INSTEAD OF A SALES AND USE TAX REFUND TO STATE AGENCIES AND TO ALLOW A SALES AND USE TAX REFUND TO SCHOOL BOARD COOPERATIVES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 17.

S.B. 831 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IMPROVED STAGGERED TERMS OF THE MEMBERS OF THE CLEAN WATER MANAGEMENT FUND BOARD OF TRUSTEES, TO INCREASE THE NUMBER OF MEMBERS OF THE BOARD, AND TO MAKE APPOINTMENTS TO THE BOARD, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 17.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1194 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE "E-NC" AUTHORITY TO CONTINUE THE WORK OF THE RURAL INTERNET ACCESS AUTHORITY.

Pursuant to the message from the House of Representatives received earlier that the House fails to concur in the Senate Committee Substitute bill for H.B. 1194 and requesting 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 Reeves, Chair, Senator Carrington and Senator Rand as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Senator Dannelly, Deputy President Pro Tempore, relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides in the absence of the Lieutenant Governor.

CALENDAR *(continued)*

S.B. 97 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, placed earlier on today's Calendar, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill (45-1) and the measure is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM CALENDAR

H.B. 1100 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE STATE'S MASTER SETTLEMENT AGREEMENT FUNDS, placed on the Calendar for tomorrow, Thursday, July 17.

Senator Albertson, offers a motion that the Senate Committee Substitute bill be withdrawn from the Calendar for tomorrow, Thursday, July 17, and placed before the Senate for immediate consideration, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the

Calendar for tomorrow, Thursday, July 17, and places it before the Senate for immediate consideration.

The Senate Committee Substitute bill passes its second (44-2) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

Upon motion of Senator Dannelly, seconded by Senator Thomas, the Senate adjourns subject to receipt of committee reports, conference reports and messages from the House of Representatives, to meet tomorrow, Thursday, July 17, at 12:00 Noon.

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:

H.B. 281 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1, which changes the title to read **H.B. 281** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO AUTHORIZE FINANCING OF A NEW CLINICAL CANCER CENTER, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, and Committee Amendment No. 2, are adopted and engrossed.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 16, 2003

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for SB 872, A BILL TO BE ENTITLED AN ACT TO INCREASE PROTECTIONS FOR TELEPHONE SUBSCRIBERS WHO WISH TO STOP UNWANTED TELEPHONE SOLICITATIONS AND FOR CONSUMERS WHO ENTER INTO TELEMARKETING TRANSACTIONS, and requests conferees, Speaker Morgan appoints:

Representative Saunders, Chair
Representative Brubaker
Representative Bordsen
Representative Howard
Representative Coates, and
Representative LaRoque

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 Dannelly's motion to adjourn having prevailed, the Senate adjourns at 7:56 P.M.

NINETY-NINTH DAY

Senate Chamber
Thursday, July 17, 2003

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 Inskeep, Associate Pastor, First Presbyterian Church, Raleigh, NC as follows:

"This was the summer of the corked bat. What looked like a major leaguer's Louisville Slugger turned out to have been hollowed out. It wasn't solid ash. It had been drilled out and filled with cork and it splintered when a great athlete hit a major league pitch with it. But now some tarnish has to be removed from the name of the great Sammy Sosa and he's thrilling the fans again with a solid bat.

"When you take a swing at making laws and policy today, may it be a solid swing. Let us pray:

"Eternal God, we pray that you would make us solid Senators so that when we take our best swing at creating policy that will affect the lives of people, the environment, future generations, that our efforts will be based on wisdom and solid morals.

"Keep us from becoming hollow on the inside or stuffed with less than what is true, honorable, just. Great God, let our decisions be pure, pleasing, commendable, and excellent, and worthy of praise, especially your praise. (Philippians 4:8). Lord, be with us solidly. Amen."

The Chair grants leaves of absence for today to Senator Bingham, Senator Carrington, Senator Dalton, Senator Forrester, Senator Garwood, Senator Holloman and Senator Sloan.

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Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, 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 Terry Wicks from Rutherford College, 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. 97, AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES.

S.B. 668, AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE WINE SHIPPERS PERMITS TO ALLOW THE DIRECT SHIPMENT OF WINES TO RESIDENTS OF NORTH CAROLINA AND TO ESTABLISH A MECHANISM FOR COLLECTING THE TAXES DUE ON WINE SHIPPED TO NORTH CAROLINA.

S.B. 679, AN ACT TO MODIFY THE PUBLIC FINANCING LAWS OF THE STATE.

S.B. 945, AN ACT TO CLARIFY THE EXTENT TO WHICH A PROSPECTIVE APPLICANT FOR AN AIR QUALITY PERMIT FOR A NEW FACILITY MAY ENGAGE IN CONSTRUCTION PRIOR TO OBTAINING THE AIR QUALITY PERMIT AND TO SPECIFY THE CIRCUMSTANCES UNDER WHICH A PERSON WHO HOLDS AN AIR QUALITY PERMIT MAY ALTER OR EXPAND THE FACILITY UPON GIVING NOTICE TO THE ENVIRONMENTAL MANAGEMENT COMMISSION AND THE PUBLIC OF THE PERMITTEE'S INTENT TO APPLY FOR MODIFICATION OF THE PERMIT.

H.B. 223, AN ACT TO PERMIT THE STATE BOARD OF COMMUNITY COLLEGES TO USE CERTAIN FUNDS TO PROVIDE FINANCIAL ASSISTANCE TO STUDENTS WITH DISABILITIES.

H.B. 331, AN ACT TO MAKE TECHNICAL CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, AND THE DISABILITY INCOME PLAN OF NORTH CAROLINA.

H.B. 543, ACT TO INCLUDE DEPUTY FIRE MARSHALS, ASSISTANT FIRE MARSHALS, AND COUNTY FIREFIGHTERS AS ELIGIBLE MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

H.B. 1000, AN ACT TO MODIFY THE UNIVERSITY OF NORTH CAROLINA'S OPTIONAL RETIREMENT PLAN.

H.B. 1006, AN ACT TO GRANT GREATER CONSUMER PROTECTION TO RESIDENTS OF MANUFACTURED HOUSING IN NORTH CAROLINA, TO CLARIFY THE SALES TAX ON MODULAR HOMES, AND TO ESTABLISH MINIMUM CONSTRUCTION AND DESIGN STANDARDS FOR SINGLE-FAMILY MODULAR HOMES.

H.B. 1049, AN ACT TO ALLOW LICENSED PSYCHOLOGICAL ASSOCIATES TO RECEIVE PAYMENT FOR SERVICES FROM INSURERS AND TO INCREASE THE FEE THE PSYCHOLOGY BOARD MAY CHARGE FOR A TEMPORARY LICENSE.

H.B. 1062, AN ACT TO REQUIRE COMMUNITY WATER SYSTEMS THAT REGULARLY SERVE ONE THOUSAND OR MORE SERVICE CONNECTIONS OR THREE THOUSAND OR MORE INDIVIDUALS TO PREPARE LOCAL WATER SUPPLY PLANS, TO PROVIDE THAT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES SHALL ESTABLISH A DROUGHT MANAGEMENT ADVISORY COUNCIL, AND TO AUTHORIZE THE COUNCIL TO ISSUE DROUGHT ADVISORIES.

H.B. 1301, AN ACT TO AUTHORIZE LOCAL GOVERNMENTS THAT ARE JOINTLY UNDERTAKING A DEVELOPMENT PROJECT TO ENTER INTO AGREEMENTS TO FINANCE THE PROJECT.

And the Enrolling Clerk reports the following bill and resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 733, AN ACT TO ALLOW RETIRED MEMBERS OF THE DURHAM FIREMEN'S SUPPLEMENTAL RETIREMENT SYSTEM TO SERVE ON THE BOARD OF TRUSTEES OF THE SYSTEM AND TO MAKE THE NAME OF THE SYSTEM GENDER-NEUTRAL.

H.J.R. 69, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF THOMAS BELL HUNTER, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 24)

H.J.R. 231, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CHARLES BENNETT "C.B." DEANE, FORMER NORTH CAROLINA MEMBER OF CONGRESS. (Res. 25)

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 693, AN ACT TO AMEND THE LAW REGARDING ENHANCED SENTENCES AS RECOMMENDED BY THE SENTENCING COMMISSION AND TO MAKE CONFORMING CHANGES.

H.B. 963, AN ACT TO PROVIDE THAT CERTAIN PERSONS CONVICTED OF LEAVING THE SCENE OF AN ACCIDENT INVOLVING PERSONAL INJURY OR DEATH MAY LOSE THEIR LICENSE FOR A PERIOD OF TWO YEARS.

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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. 357, AN ACT TO ALLOW MAYLAND COMMUNITY COLLEGE TO LEASE OR SELL AT PRIVATE SALE TWO PROPERTIES AND TO CLARIFY THAT THE CITY OF ROANOKE RAPIDS MAY ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS. (Became law upon ratification, July 16, 2003–S.L. 2003-320.)

S.B. 452, AN ACT CONCERNING SATELLITE ANNEXATIONS BY MUNICIPALITIES IN UNION COUNTY. (Became law upon ratification, July 16, 2003–S.L. 2003-321.)

H.B. 401, AN ACT AUTHORIZING THE CITY OF HENDERSON TO CONVEY CERTAIN PROPERTY AT PRIVATE SALE, AND TO ALLOW THE CITY TO ACCEPT A DEED SUBJECT TO A DEED OF TRUST. (Became law upon ratification, July 16, 2003–S.L. 2003-322.)

H.B. 474, AN ACT TO AMEND THE EMERGENCY PENSION FUND FOR LAW ENFORCEMENT OFFICERS IN MECKLENBURG COUNTY. (Became law upon ratification, July 16, 2003–S.L. 2003-323.)

H.B. 570, AN ACT TO AMEND THE PROVISIONS OF THE CITY OF LUMBERTON FIREMEN'S RELIEF FUND AND SUPPLEMENTARY PENSION FUND. (Became law upon ratification, July 16, 2003–S.L. 2003-324.)

REPORTS OF COMMITTEES

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and takes their place on the Calendar, as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee**:

H.B. 566, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE THE ADMINISTRATIVE RULE RECLASSIFICATION BY THE ENVIRONMENTAL MANAGEMENT COMMISSION OF PORTIONS OF SWIFT CREEK AND SANDY CREEK IN THE TAR-PAMLICO RIVER BASIN THAT WOULD HAVE THE EFFECT OF IMPOSING CERTAIN MANAGEMENT STRATEGIES APPLICABLE TO OUTSTANDING RESOURCE WATERS (ORW) IN THE WATERSHED OF THESE CREEKS, 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 30401, which changes the title to read **H.B. 566** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROVE IN PART AND DISAPPROVE IN PART THE ADMINISTRATIVE RULE RECLASSIFICATION BY THE ENVIRONMENTAL MANAGEMENT COMMISSION OF PORTIONS OF SWIFT

CREEK AND SANDY CREEK IN THE TAR-PAMLICO RIVER BASIN, is adopted and engrossed.

H.B. 674, A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND ACT DESCRIPTION OF THE DURHAM NORTHERN LOOP, 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 30418, which changes the title to read **H.B. 674** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES, is adopted and engrossed.

H.B. 694 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE ASHEBORO MUNICIPAL AIRPORT AS THE OFFICIAL LOCATION OF THE NORTH CAROLINA AVIATION HALL OF FAME AND THE NORTH CAROLINA AVIATION MUSEUM AND TO DESIGNATE THE WILMINGTON INTERNATIONAL AIRPORT AS THE OFFICIAL LOCATION OF THE NORTH CAROLINA MUSEUM OF AVIATION, 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 80356 is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

H.B. 1289 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING VARIOUS PROVISIONS UNDER THE PRIVATE PROTECTIVE SERVICES ACT, REDUCING THE NUMBER OF MEMBERS ON THE PRIVATE PROTECTIVE SERVICES BOARD, AUTHORIZING THE BOARD TO ESTABLISH CONTINUING EDUCATION REQUIREMENTS, AND DECREASING THE REQUIRED MINIMUM BALANCE IN THE PRIVATE PROTECTIVE SERVICES RECOVERY FUND, referred to the **Judiciary I Committee** on July 8.

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 **Finance 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 **Finance Committee**.

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 Hagan for the **Appropriations/Base Budget Committee**:

H.B. 150 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CRITERIA FOR AWARDING STATE GRANTS TO STUDENTS ATTENDING CERTAIN ACCREDITED INSTITUTIONS OF HIGHER EDUCATION, with a favorable report.

Upon motion of Senator Hagan, the rules are suspended and the Committee

July 17, 2003

Substitute bill is placed on today's Supplemental Calendar.

H.B. 797 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ASSIST LOCAL SCHOOL ADMINISTRATIVE UNITS ON THE IMPLEMENTATION OF THE NO CHILD LEFT BEHIND ACT OF 2001, with a favorable report.

Upon motion of Senator Hagan, the rules are suspended and the Committee Substitute bill is placed on today's Supplemental Calendar.

H.B. 1026 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE PROGRAM FOR THE COLLECTION OF WORTHLESS CHECKS AVAILABLE STATEWIDE, with a favorable report.

Upon motion of Senator Hagan, the rules are suspended and the Committee Substitute bill is placed on today's Supplemental Calendar.

H.B. 815, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF CHEMICAL DEPENDENCY TREATMENT FACILITY TO PROVIDE THAT SOCIAL SETTING DETOXIFICATION FACILITIES AND MEDICAL DETOXIFICATION FACILITIES ARE NOT CHEMICAL DEPENDENCY TREATMENT FACILITIES FOR THE PURPOSES OF CERTIFICATE OF NEED REQUIREMENTS AND TO AMEND THE DEFINITION OF CHEMICAL DEPENDENCY TREATMENT BED TO PROVIDE THAT BEDS LICENSED FOR DETOXIFICATION ARE NOT CHEMICAL DEPENDENCY TREATMENT BEDS FOR THE PURPOSES OF CERTIFICATE OF NEED 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 80350, which changes the title to read **H.B. 815** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF CHEMICAL DEPENDENCY TREATMENT FACILITY TO PROVIDE THAT SOCIAL SETTING DETOXIFICATION FACILITIES AND MEDICAL DETOXIFICATION FACILITIES ARE NOT CHEMICAL DEPENDENCY TREATMENT FACILITIES FOR THE PURPOSES OF CERTIFICATE OF NEED REQUIREMENTS AND TO AMEND THE DEFINITION OF CHEMICAL DEPENDENCY TREATMENT BED TO PROVIDE THAT BEDS LICENSED FOR DETOXIFICATION ARE NOT CHEMICAL DEPENDENCY TREATMENT BEDS FOR THE PURPOSES OF CERTIFICATE OF NEED REQUIREMENTS; AND TO PROVIDE THAT SOCIAL SETTING DETOXIFICATION FACILITIES AND MEDICAL DETOXIFICATION FACILITIES SHALL NOT DENY ADMISSION OR TREATMENT TO AN INDIVIDUAL ON THE BASIS OF THE INDIVIDUAL'S INABILITY TO PAY, is adopted and engrossed.

Upon motion of Senator Hagan, the rules are suspended and the Committee Substitute bill is placed on today's Supplemental Calendar.

S.B. 852 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE INTERNET ACCESS BY ORGAN PROCUREMENT ORGANIZATIONS AND EYE BANKS TO INFORMATION IN DIVISION OF MOTOR VEHICLE RECORDS PERTAINING TO ORGAN DONATION; TO ESTABLISH THE "LICENSE TO GIVE TRUST FUND" TO FUND INITIATIVES

THAT EDUCATE AND PROMOTE ORGAN AND TISSUE DONATION; AND TO INCREASE THE FEE FOR ISSUANCE, RENEWAL, AND DUPLICATION OF A DRIVERS LICENSE OR SPECIAL IDENTIFICATION CARD AND PROVIDE THAT THE PROCEEDS OF THE INCREASE SHALL BE USED TO IMPLEMENT THIS ACT, 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, 65342, is adopted and engrossed.

Upon motion of Senator Hagan, the rules are suspended and the Committee Substitute bill is placed on today's Supplemental Calendar.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

H.B. 313 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE AND REVISE THE CHARTER OF THE CITY OF ROCKY MOUNT, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Blake, Brock, Carpenter, Clodfelter, Dannelly, Dorsett, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaid, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—43.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 281 (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, for second reading.

Upon motion of Senator Clodfelter, the Committee Substitute bill is temporarily displaced.

CONFERENCE REPORT

Senator Reeves, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1194** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE "E-NC" AUTHORITY TO CONTINUE THE WORK OF THE RURAL INTERNET ACCESS AUTHORITY, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

July 17, 2003

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House 1194, A BILL TO BE ENTITLED AN ACT TO CREATE THE "E-NC" AUTHORITY TO CONTINUE THE WORK OF THE RURAL INTERNET ACCESS AUTHORITY, Senate Information Technology Committee Substitute Adopted 6/26/03, Fifth Edition Engrossed 7/8/03, submit the following report:

The House and Senate agree to the following amendments to the Senate Information Technology Committee Substitute Adopted 6/26/03, Fifth Edition Engrossed 7/8/03, and the House concurs in the Senate Committee Substitute as amended:

On page 2, lines 37 and 38, by rewriting that line to read:

"Commission shall consist of nine voting members and six non-voting ex officio members, as follows:";

and on page 3, line 4, by rewriting that line to read:

"(4) Six ex officio, non-voting members to include the Secretary of Commerce."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 17, 2003.

Conferees for the Senate

S/Eric Reeves
John H. Carrington
S/Tony Rand

Conferees for the
House of Representatives

S/Joe P. Tolson
S/Harold J. Brubaker
S/William T. Culpepper, III

The Conference Report is placed on the Calendar for tomorrow, Friday, July 18, for adoption.

CALENDAR *(continued)*

H.B. 751 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE TITLE TO EXISTING LAND AND THE LAND BUILT UP AND CONSTRUCTED IN THE TOWN OF KITTY HAWK IN THE COUNTY OF DARE AS A RESULT OF CERTAIN EROSION CONTROL WORK IN SAID TOWN AND ANNEXING A TRACT TO THE CORPORATE LIMITS OF THAT TOWN, for third reading.

Upon motion of Senator Hoyle, the President orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 736 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO COLLECT A GENERAL MUNICIPAL VEHICLE TAX OF UP TO TEN DOLLARS ON VEHICLES RESIDENT IN THE CITY AND TO AUTHORIZE THE CITY OF DURHAM TO ENTER INTO A JOINT AGREEMENT WITH A PRIVATE UNIVERSITY TO

EXTEND THE JURISDICTION OF THE CAMPUS LAW ENFORCEMENT AGENCY OF THE PRIVATE UNIVERSITY INTO THE JURISDICTION OF THE CITY OF DURHAM, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 36, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Blake, Carpenter, Clodfelter, Dannelly, Dorsett, Garrou, Gulley, Hagan, Hargett, Hartsell, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—36.

Voting in the negative: Senators Apodaca, Ballantine, Berger, Brock, Foxx, Horton and Pittenger—7.

The Committee Substitute bill is ordered enrolled.

H.B. 1030 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE CONCEALED HANDGUN PERMIT APPLICATION AND RENEWAL FEES FOR QUALIFIED RETIRED SWORN LAW ENFORCEMENT OFFICERS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Blake, Brock, Carpenter, Clodfelter, Dannelly, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—42.

Voting in the negative: Senator Dorsett—1.

The Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

S.J.R. 1022, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF SAMUEL KOONCE, FORMER CIVIC LEADER.

With unanimous consent, upon motion of Senator Soles, the joint resolution is read in its entirety.

The joint resolution passes its second reading (43-0) and third reading with members standing, and is ordered sent to the House of Representatives by special message.

H.B. 471 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BRING STATE LAW INTO COMPLIANCE WITH RECENTLY ADOPTED FEDERAL REGULATIONS CONCERNING THE EFFECT OF VIOLATION OF RAILROAD CROSSING SAFETY AND OTHER STATE LAWS ON COMMERCIAL DRIVERS LICENSES, AND REQUIRING A NEW "S" ENDORSEMENT FOR PERSONS OPERATING SCHOOL BUSES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE; AND TO STUDY THE NEED FOR A MOPED IDENTIFICATION TAG PROGRAM.

Upon motion of Senator Gulley, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

July 17, 2003

The Senate recesses at 12:30 P.M. for the purpose of a Judiciary I Committee meeting to reconvene at 12:50 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

Upon the appearance of Senator Dalton in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

CALENDAR *(continued)*

H.B. 972 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AN INTERNET-BASED ALTERNATIVE TO PROPERTY TAX CERTIFICATION PROCEDURES.

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.

S.B. 819 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING THE SALE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC DISTRICT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the House Committee Substitute bill is taken up out of its regular order of business.

Upon motion of Senator Rand, the Senate fails to concur in the House Committee Substitute bill (0-43).

Senator Rand offers a motion that the Senate appoint conferees, which motion prevails.

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

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. 328 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REVISING REAL ESTATE LICENSING EXAMINATION PROCEDURES, CLARIFYING CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE LICENSEES, AND ENABLING THE REAL ESTATE COMMISSION TO PERMIT LIMITED COMMERCIAL PRACTICE BY NONRESIDENT REAL ESTATE BROKERS, with a favorable report.

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 11, A BILL TO BE ENTITLED AN ACT TO REPEAL ONLY THOSE STATUTES WHICH HAVE BEEN DECLARED UNCONSTITUTIONAL BY A STATE OR FEDERAL COURT OF COMPETENT JURISDICTION AND FROM WHICH NO APPEAL HAS BEEN TIMELY PERFECTED OR THE APPEAL HAS BEEN FULLY CONCLUDED ADVERSELY TO 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 60396, which changes the title to read **H.B. 11** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT THE NEGATIVE SECONDARY EFFECTS CAUSED BY SEXUALLY EXPLICIT CONDUCT ON PREMISES LICENSED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION, is adopted and engrossed.

CONFERENCE REPORT

Senator Clodfelter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 786** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND LIABILITY RULES THAT APPLY TO CIVIL PARKING AND RED LIGHT CAMERA ENFORCEMENT ACTIONS, 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 786, A BILL TO BE ENTITLED AN ACT TO AMEND LIABILITY RULES THAT APPLY TO CIVIL PARKING AND RED LIGHT CAMERA ENFORCEMENT ACTIONS, Senate Judiciary I Committee Substitute Adopted 6/4/03, submit the following report:

The House and Senate agree to the following amendment to the Senate Judiciary I Committee Substitute Adopted 6/4/03, 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 H786-PCCS60392-RW-31.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 17, 2003.

Conferees for the Senate

S/Daniel G. Clodfelter, Chair
S/Eric Reeves
S/Fletcher Hartsell

Conferees for the
House of Representatives

S/Bill Culpepper, Chair
S/Wayne Goodwin
S/Don Munford
S/Connie Wilson

July 17, 2003

The text of the attached Proposed Conference Committee Substitute H786-PCCS60392-RW-31 is as follows:

A BILL TO BE ENTITLED

AN ACT TO REVISE THE MEMBERSHIP OF THE NORTH CAROLINA INDIAN CULTURAL CENTER BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (b) of Section 2 of S.L. 1997-41, as amended by S.L. 1998-19 and S.L. 2001-318, reads as rewritten:

"(b) The Board of the North Carolina Indian Cultural Center, Inc., shall consist of ~~17~~19 members, appointed as follows:

- (1) One member representing each of the following Indian groups recognized by the State of North Carolina: the Coharie of Sampson and Harnett Counties; the Eastern Band of Cherokees; the Haliwa of Halifax, Warren, and adjoining counties;
- (2) One member each from the following Indian organizations: the Cumberland County Association for Indian People, the Guilford Native Americans, the Metrolina Native Americans, and the Triangle Native American Society;
- (3) ~~One member~~ Two members representing the education community of the ~~State~~; State and residing in Bladen, Columbus, Cumberland, Hoke, Robeson, or Scotland County;
- (4) ~~Two~~ Three members representing the business community of the ~~State~~; State and residing in Bladen, Columbus, Cumberland, Hoke, Robeson, or Scotland County;
- (5) Two members representing the government of the State of North Carolina; and
- (6) One member representing the federal government.

Each member designated in subdivisions (1) and (2) above shall be appointed by the North Carolina Commission of Indian Affairs from two prioritized nominations submitted by the group or organization to be represented by that member. Each member designated in subdivisions (3) through (6) above shall be appointed by the North Carolina Commission of Indian Affairs from two prioritized nominations submitted by the Board of the North Carolina Indian Cultural Center, Inc. If the nominating group or organization submits only one nomination or fails to submit nominations for any reason within 30 days after the date designated for submission by the Commission, the Commission shall appoint a member of its choice to fill the requirement. The Board of the North Carolina Indian Cultural Center, Inc., shall appoint a chair from the Board membership.

Members shall serve two-year terms, except that the initial terms of:

- (1) The members representing the Coharie of Sampson and Harnett Counties, the Eastern Band of Cherokees, the Indians of Person County; and the Meherrin of Hertford County; the member representing the Metrolina Native Americans; the member representing the education community of the State; one member representing the government of the State of North Carolina; and one member representing the business community shall be for one year; and
- (2) The members representing the Haliwa of Halifax, Warren, and adjoining counties, the Lumbees of Robeson, Hoke, and Scotland

Counties, and the Waccamaw-Siouan from Columbus and Bladen Counties; the members representing the Cumberland County Association for Indian People and the Guilford Native Americans; one member representing the business community of the State; one member representing the government of the State of North Carolina; and one member representing the federal government shall be for two years."

SECTION 2. If the members representing the education community and the business community do not meet the residency requirement provided for in Section 1 of this act on the effective date of this act, new members shall be appointed to those seats to serve the remainder of those members' terms. The additional members of the educational and business communities, as provided for in this act, shall be appointed so that their terms run concurrently with the terms of the current educational and business community members.

SECTION 3. This act becomes effective July 1, 2003.

The Conference Report is placed on the Calendar for tomorrow, Friday, July 18, for adoption.

The Chair grants a leave of absence for the remainder of today's session to Senator Thomas.

CALENDAR *(continued)*

H.B. 1182 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE USURY EXEMPTION.

Without objection, Senator Smith and Senator Carpenter request to be excused from voting on the Senate Committee Substitute bill due to a conflict of interest.

Senator Hoyle offers Amendment No. 1 which is adopted (41-0).

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.

Upon motion of Senator Weinstein, the President extends the courtesies of the gallery to former Senator Sam R. Noble from Robeson County.

Upon the appearance of Senator Thomas in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

H.B. 1257 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING VARIOUS PROVISIONS OF THE RESPIRATORY CARE PRACTICE ACT.

Senator Ballantine offers Amendment No. 1.

Senator Pittenger offers Amendment No. 2 as a Substitute Amendment for Amendment No. 1.

The Chair grants a leave of absence for the remainder of today's session to Senator Shaw.

Senator Pittenger calls the previous question on Amendment No. 2, seconded by Senator Smith. The call for the previous question fails (17-25).

Senator Clodfelter offers a motion that Amendment No. 2 lie upon the table, seconded by Senator Soles.

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The motion prevails (26-17) and Amendment No. 2 lies upon the table.

The question before the Body is the adoption of Amendment No. 1. Amendment No. 1 is adopted (39-4).

The Senate Committee Substitute bill No. 2, as amended, passes its second reading (41-1).

Having voted with the majority, Senator Rand offers a motion that the vote by which H.B. 1257 passed its second reading be reconsidered, which motion prevails (43-0). He offers a further motion that the vote by which Amendment No. 1 was adopted be reconsidered, which motion prevails (43-0). The question before the Body is the adoption of Amendment No. 1, after reconsideration. Amendment No. 1 fails of adoption (0-42) after reconsideration. The question before the Body is H.B. 1257 on its second reading, after reconsideration. H.B. 1257 passes its second reading after reconsideration (42-0) and third reading and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill No. 2.

S.B. 760 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT GRANTS FROM UNIFORM PROGRAMS FOR PUBLIC CAMPAIGN FINANCING DO NOT CONSTITUTE "CONTRIBUTIONS" AND ARE NOT SUBJECT TO RESTRICTIONS ON CONTRIBUTIONS; TO CLARIFY THAT GOVERNMENTS IN CITIES AND COUNTIES OF A CERTAIN SIZE ARE AUTHORIZED TO CONDUCT THOSE PROGRAMS; AND TO REQUIRE A REVIEW OF LOCAL PUBLIC CAMPAIGN FINANCING PROGRAMS.

The Committee Substitute bill No. 2 passes its third reading (23-18) and is ordered sent to the House of Representatives by special message.

H.B. 48 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA MOVING AHEAD TRANSPORTATION INITIATIVE BY ALLOWING CASH BALANCES IN THE HIGHWAY TRUST FUND TO BE USED TO MEET CRUCIAL TRANSPORTATION NEEDS, TO REQUIRE FUNDS DESIGNATED BY THIS ACT FOR PRESERVATION, MODERNIZATION, AND MAINTENANCE BE EXPENDED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CERTIFY THAT USE OF FUNDS IN ACCORDANCE WITH THIS ACT WILL NOT DELAY CONSTRUCTION OF ANY HIGHWAY TRUST FUND PROJECT, TO REAFFIRM THE INTENT OF THE GENERAL ASSEMBLY THAT PROCEEDS FROM THE ISSUANCE OF BONDS UNDER AUTHORITY OF THE STATE HIGHWAY BOND ACT OF 1996 SHALL BE USED FOR THE PURPOSES STATED IN THAT ACT, AND FOR NO OTHER PURPOSE, TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY SOLUTIONS TO NORTH CAROLINA'S URBAN TRANSPORTATION NEEDS, TO REQUIRE FUNDS TRANSFERRED FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND TO BE REPAID, TO DELAY IMPLEMENTATION OF AGRICULTURAL VEHICLE ESCORT TRAINING AND CERTIFICATION, TO ALLOW FARMERS TO MOVE EQUIPMENT BETWEEN FARMS WITHOUT A FLAGMAN, AND TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO IMPLEMENT CURRITUCK SOUND FERRY SERVICE, as amended on second reading.

The Senate Committee Substitute bill, as amended, passes its third reading (40-3) and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 51 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLOSE A LOOPHOLE THAT ALLOWS CORPORATIONS TO CONTINUE AVOIDING FRANCHISE TAXES AND TO REMOVE PROVISIONS THAT COULD RESULT IN FRANCHISE TAXES ON UNRELATED LIMITED LIABILITY COMPANIES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, the Senate fails to concur in the House Committee Substitute bill on its second reading by roll-call vote, ayes 0, noes 43, as follows:

Voting in the affirmative: None.

Voting in the negative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Blake, Brock, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—43.

Senator Clodfelter offers a motion that the Senate appoint conferees, which motion prevails.

S.B. 100 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY IN STATE GOVERNMENT BY ALLOWING A SALES AND USE TAX EXEMPTION FOR STATE AGENCIES INSTEAD OF A SALES AND USE TAX REFUND TO STATE AGENCIES AND TO ALLOW A SALES AND USE TAX REFUND TO SCHOOL BOARD COOPERATIVES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Kerr, the Senate concurs in the House Committee Substitute bill (43-0) and the measure is ordered enrolled and sent to the Governor by special message.

S.B. 563 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAWS REGULATING ATHLETE AGENTS AND TO ADOPT THE UNIFORM ATHLETE AGENTS ACT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hagan, the Senate concurs in the House Committee Substitute bill (42-0) and the measure is ordered enrolled and sent to the Governor by special message.

S.B. 659 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF THE SECRETARY OF STATE TO INCLUDE IN ITS ANNUAL REPORT INFORMATION REGARDING SOLICITATIONS OF CHARITABLE CONTRIBUTIONS THAT INFORMS THE PUBLIC OF THE PERCENTAGES OF THE SOLICITORS' REVENUES THAT CHARITABLE ORGANIZATIONS OR SPONSORS WILL RECEIVE AS BENEFITS FROM SOLICITATION CAMPAIGNS, TO PROVIDE FOR WIDER DISSEMINATION OF THE ANNUAL REPORT TO THE PUBLIC AND TO EXEMPT CERTAIN NONPROFIT FIRE OR EMERGENCY MEDICAL SERVICE ORGANIZATIONS FROM REPORTING AND OTHER REQUIREMENTS, for concurrence in the House Committee Substitute bill.

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Upon motion of Senator Hartsell, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Friday, July 18, for concurrence in the House Committee Substitute bill.

S.B. 705 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

Upon motion of Senator Kerr, the President, orders, without objection, the House Committee Substitute bill temporarily displaced.

S.B. 753 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE QUALIFICATIONS FOR PERSONS NOMINATED AS MAGISTRATES AND TO ESTABLISH A PILOT PROGRAM IN TWELFTH JUDICIAL DISTRICT TO ADDRESS CONFLICTING CHILD CUSTODY ORDERS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Jenkins, the Senate concurs in the House Committee Substitute bill (41-2) and the measure is ordered enrolled and sent to the Governor by special message.

COMMITTEE APPOINTMENT

Senator Dannelly, Deputy President *Pro Tempore*, announces that, pursuant to Rule 31, Senator Basnight has appointed Senator Reeves to the **Select Committee on Insurance and Civil Justice Reform**.

CALENDAR *(continued)*

S.B. 831 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IMPROVED STAGGERED TERMS OF THE MEMBERS OF THE CLEAN WATER MANAGEMENT FUND BOARD OF TRUSTEES, TO INCREASE THE NUMBER OF MEMBERS OF THE BOARD, AND TO MAKE APPOINTMENTS TO THE BOARD, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Albertson, the Senate concurs in the House Committee Substitute bill (43-0) and the measure is ordered enrolled and sent to the Governor by special message.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 819 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING THE SALE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC DISTRICT.

Pursuant to the Senate having failed to concur in the House Committee Substitute for **S.B. 819** earlier today and the motion by Senator Rand to appoint conferees having prevailed, Senator Rand, Chairman of the Rules and Operations of the Senate Committee, announces the appointments by the President *Pro Tempore* of Senator Rand, Chair; Senator Apodaca; Senator Malone; Senator Metcalf; and Senator Reeves

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. 705 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill, temporarily displaced earlier.

Upon motion of Senator Kerr, the Senate concurs in the House Committee Substitute bill (42-1) and the measure is ordered enrolled and sent to the Governor by special message.

The Senate recesses at 3:15 P.M. for the purpose of a Rules and Operations of the Senate Committee meeting to reconvene at 3:20 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Foxx.

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:**

H.J.R. 1335, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2003 GENERAL ASSEMBLY TO MEET IN 2004 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION, with an unfavorable report as to joint resolution, but favorable as to Senate Committee Substitute joint resolution.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute joint resolution 30419, which changes the title to read **H.J.R. 1335** (Senate Committee Substitute), A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2003 GENERAL ASSEMBLY TO MEET IN 2003 AND 2004 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THOSE SESSIONS, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute joint resolution is placed before the Senate for immediate consideration.

The Senate Committee Substitute joint resolution passes its second (41-0) and

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third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute joint resolution.

CALENDAR *(continued)*

H.B. 926 (Conference Report), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PENALTY FOR AN ASSAULT IN THE PRESENCE OF A MINOR, for adoption.

Upon motion of Senator Clodfelter, the Conference Report is adopted (41-0). A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

Senator Kerr, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 934** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A REGISTRATION FEE FOR THE AUTHORIZATION OF A PRIVATE FACILITY TO SERVE DWI OFFENDERS AND TO INCREASE THE FEE FOR A SUBSTANCE ABUSE ASSESSMENT CONDUCTED BY AN ASSESSING AGENCY, 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 934, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A REGISTRATION FEE FOR THE AUTHORIZATION OF A PRIVATE FACILITY TO SERVE DWI OFFENDERS AND TO INCREASE THE FEE FOR A SUBSTANCE ABUSE ASSESSMENT CONDUCTED BY AN ASSESSING AGENCY, House Committee Substitute Favorable 6/18/03 Third Edition Engrossed 6/29/03, submit the following report:

The Senate and House agree to the following amendments and the Senate concurs in House Committee Substitute Favorable 6/18/03, Third Edition Engrossed 6/29/03, as amended:

On page 1, lines 3 and 4, by rewriting the lines to read:
"OF A PRIVATE FACILITY TO SERVE DWI OFFENDERS AND TO REQUIRE THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO STUDY THE SUBSTANCE ABUSE SERVICES OFFERED BY AN ASSESSING AGENCY AND THE ADEQUACY OF THE FEE IMPOSED FOR A SUBSTANCE ABUSE ASSESSMENT CONDUCTED BY AN";

and on page 1, line 19 through page 2, line 6, by rewriting the lines to read:
"**SECTION 2.** The Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services shall study the programs offered by assessing agencies to clients who must obtain a substance abuse

assessment and a certification of completion of a substance abuse program. The study should include information on the type of testing provided by an agency, the treatment offered by an agency, the average duration of a program, the average cost of treatment, the rates of recidivism, and the adequacy of the fee paid to the assessing agency by a client for a required substance abuse assessment. The Committee must report its findings and any recommended legislation to the 2004 Regular Session of the 2003 General Assembly.";

and on page 2, line 43, by deleting "July 1, 2003." and substituting "October 1, 2003.".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 17, 2003.

Conferees for the Senate

Conferees for the
House of Representatives

S/John Kerr
S/Walter Dalton
S/Steve Metcalf
S/Fletcher Hartsell, Jr.

S/David Miner
S/Daniel McComas
S/Ronnie Sutton
S/Gordon Allen

The Conference Report is placed on the Calendar for tomorrow, Friday, July 18, for adoption.

CALENDAR *(continued)*

H.B. 986 (Conference Report), A BILL TO BE ENTITLED AN ACT TO REQUIRE A MOTOR VEHICLE INSURER TO DISCLOSE ANY FINANCIAL INTEREST IN A RECOMMENDED REPAIR FACILITY OR SERVICE AND REQUIRING AN INSURER TO DISCLOSE THE USE OF NONORIGINAL CRASH REPAIR PARTS OR NONORIGINAL AUTO GLASS FOR MOTOR VEHICLE REPAIRS, for adoption.

Upon motion of Senator Carpenter, the Senate adopts the Conference Report (40-0).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

H.B. 751 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE TITLE TO EXISTING LAND AND THE LAND BUILT UP AND CONSTRUCTED IN THE TOWN OF KITTY HAWK IN THE COUNTY OF DARE AS A RESULT OF CERTAIN EROSION CONTROL WORK IN SAID TOWN AND ANNEXING A TRACT TO THE CORPORATE LIMITS OF THAT TOWN, temporarily displaced earlier, 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, Apodaca, Ballantine, Basnight, Berger, Blake, Brock, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett,

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Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—42.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

H.B. 471 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BRING STATE LAW INTO COMPLIANCE WITH RECENTLY ADOPTED FEDERAL REGULATIONS CONCERNING THE EFFECT OF VIOLATION OF RAILROAD CROSSING SAFETY AND OTHER STATE LAWS ON COMMERCIAL DRIVERS LICENSES, AND REQUIRING A NEW "S" ENDORSEMENT FOR PERSONS OPERATING SCHOOL BUSES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE; AND TO STUDY THE NEED FOR A MOPED IDENTIFICATION TAG PROGRAM.

Senator Clodfelter offers Amendment No. 1 which is adopted (37-5).

Without objection, Senator Pittenger requests to be excused from voting on the Senate Committee Substitute bill due to a conflict of interest.

Senator Hoyle and Senator Dalton offer Amendment No. 2.

Senator Hoyle calls the previous question on Amendment No. 2, seconded by Senator Rand, which motion prevails (25-16).

Upon motion of Senator Kerr, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to **Appropriations/Base Budget Committee**, with Amendment No. 2 pending.

The Chair grants a leave of absence for the remainder of today's session to Senator Tillman.

H.B. 281 (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, upon second reading, temporarily displaced earlier.

Upon motion of Senator Clodfelter, the President, orders, without objection, the Committee Substitute bill temporarily displaced.

WITHDRAWAL FROM CALENDAR

H.B. 11 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT THE NEGATIVE SECONDARY EFFECTS CAUSED BY SEXUALLY EXPLICIT CONDUCT ON PREMISES LICENSED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION.

With unanimous consent, upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from the Calendar for tomorrow, Friday, July 18, and placed on today's Supplemental Calendar.

SUPPLEMENTAL CALENDAR

Bills on today's Supplemental Calendar are taken up and disposed of, as follows:

H.B. 1026 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE PROGRAM FOR THE COLLECTION OF WORTHLESS CHECKS AVAILABLE STATEWIDE, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Blake, Brock, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Webster and Weinstein—41.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Friday, July 18, upon third reading.

S.B. 852 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO PROVIDE INTERNET ACCESS BY ORGAN PROCUREMENT ORGANIZATIONS AND EYE BANKS TO INFORMATION IN DIVISION OF MOTOR VEHICLE RECORDS PERTAINING TO ORGAN DONATION; TO ESTABLISH THE "LICENSE TO GIVE TRUST FUND" TO FUND INITIATIVES THAT EDUCATE AND PROMOTE ORGAN AND TISSUE DONATION; AND TO INCREASE THE FEE FOR ISSUANCE, RENEWAL, AND DUPLICATION OF A DRIVERS LICENSE OR SPECIAL IDENTIFICATION CARD AND PROVIDE THAT THE PROCEEDS OF THE INCREASE SHALL BE USED TO IMPLEMENT THIS ACT.

The Committee Substitute bill No. 3 passes its second reading (40-1).

Senator Metcalf objects to third reading of the measure. Pursuant to Rule 50, the President, orders the measure placed on the Calendar for tomorrow, Friday, July 18.

H.B. 150 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CRITERIA FOR AWARDED STATE GRANTS TO STUDENTS ATTENDING CERTAIN ACCREDITED INSTITUTIONS OF HIGHER EDUCATION.

The Committee Substitute bill passes its second (38-2) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 797 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ASSIST LOCAL SCHOOL ADMINISTRATIVE UNITS ON THE IMPLEMENTATION OF THE NO CHILD LEFT BEHIND ACT OF 2001.

The Committee Substitute bill passes its second (40-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 815 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF CHEMICAL DEPENDENCY TREATMENT FACILITY TO PROVIDE THAT SOCIAL SETTING DETOXIFICATION

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FACILITIES AND MEDICAL DETOXIFICATION FACILITIES ARE NOT CHEMICAL DEPENDENCY TREATMENT FACILITIES FOR THE PURPOSES OF CERTIFICATE OF NEED REQUIREMENTS AND TO AMEND THE DEFINITION OF CHEMICAL DEPENDENCY TREATMENT BED TO PROVIDE THAT BEDS LICENSED FOR DETOXIFICATION ARE NOT CHEMICAL DEPENDENCY TREATMENT BEDS FOR THE PURPOSES OF CERTIFICATE OF NEED REQUIREMENTS; AND TO PROVIDE THAT SOCIAL SETTING DETOXIFICATION FACILITIES AND MEDICAL DETOXIFICATION FACILITIES SHALL NOT DENY ADMISSION OR TREATMENT TO AN INDIVIDUAL ON THE BASIS OF THE INDIVIDUAL'S INABILITY TO PAY.

The Senate Committee Substitute bill 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.

H.B. 11 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT THE NEGATIVE SECONDARY EFFECTS CAUSED BY SEXUALLY EXPLICIT CONDUCT ON PREMISES LICENSED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION, placed earlier on today's supplemental calendar.

The Senate Committee Substitute bill passes its second (40-1) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

The President extends privileges of the floor to Ashley Blizzard and James Rolf Blizzard, wife and infant son of Rolf Blizzard.

H.B. 281 (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, temporarily displaced earlier on today's regular Calendar.

Senator Clodfelter offers Amendment No. 1 which is adopted (37-0).

Senator Clodfelter offers Amendment No. 2.

Senator Shubert offers Amendment No. 3 as a Substitute Amendment for Amendment No. 2.

Senator Clodfelter offers a motion that Amendment No. 3 lie upon the table, seconded by Senator Rand.

The motion to table Amendment No. 3 prevails (26-15).

The Senate recesses at 5:20 P.M. to reconvene at 5:40 P.M. with Amendment No. 2 pending.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

H.B. 281 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with Amendment No. 2 pending.

The Chair grants a leave of absence for the remainder of today's session to Senator Hagan.

Amendment No. 2 is adopted (25-15).

Senator Reeves offers Amendment No. 4 which is adopted (38-2).

Senator Ballantine offers Amendment No. 5 which is adopted (39-0).

Senator Rand offers Amendment No. 6 as a perfecting amendment to Amendment No. 5 which is adopted (39-1).

Senator Reeves offers Amendment No. 7 which is adopted (38-2).

Senator Blake requests that his remarks on H.B. 281 be made a part of the record as follows:

Senator Blake:

“I represent Moore County and a couple others, but in our county we have a great hospital, one of the best in the country, but most of our people come to Chapel Hill to get their treatment. In the last four months, one of my dear family members had treatment here and didn’t make it. Senator Kerr, I don’t want the wrong impression that because we may have voted against an amendment, that I’m against this hospital being built and I just wanted the record to reflect that. We have a great opportunity, I think, to go forward with this center so that we can become something like Texas when it comes to medical care and I think that this is a good bill, with all the bad that’s in it. Most bills have a lot of bad in them, but I certainly support this bill because it’s the right thing to do for this center and I urge my fellow Senators to do the same. Thank you.”

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 33, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Blake, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Garrou, Gulley, Hargett, Hartsell, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Purcell, Queen, Rand, Reeves, Smith, Soles, Stevens, Swindell, Thomas and Weinstein—33.

Voting in the negative: Senators Berger, Brock, Horton, Pittenger, Rucho, Shubert and Webster—7.

The Committee Substitute bill, as amended, is ordered engrossed before third reading.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives
July 17, 2003

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 926 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PENALTY FOR AN ASSAULT IN THE PRESENCE OF A MINOR.

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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

S.B. 226 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ADMINISTRATION OF MEDICATION TO A CHILD IN A LICENSED OR UNLICENSED CHILD CARE FACILITY WITHOUT PROPER AUTHORIZATION FROM THE CHILD'S PARENT OR GUARDIAN, for concurrence in the House Committee Substitute bill No. 2

The House Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Friday, July 18.

H.B. 1292, A BILL TO BE ENTITLED AN ACT TO MODIFY THE BILL LEE ACT TIER DESIGNATION FORMULA TO ASSURE THAT ECONOMIC DEVELOPMENT EFFORTS ARE TARGETED TO TRULY DISTRESSED AREAS.

Referred to **Finance Committee**.

H.B. 1323 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN FEES FOR CAMA PERMITS.

Referred to **Finance Committee**.

H.J.R. 1338, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ALAN PRESTON NEELY, MINISTER AND COMMUNITY LEADER.

The joint resolution is placed on the Calendar for tomorrow, Friday, July 18.

S.B. 317 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A TWO-YEAR MORATORIUM ON ANNEXATIONS INTO THE COUNTY OF CABARRUS BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THE COUNTY AND TO ADD TERRITORY TO THE ECONOMIC DEVELOPMENT ZONE WHERE THERE IS A MORATORIUM ON ANNEXATION AND AFFECTING ELECTRONIC SIGNATURES AND ELECTRONIC RECORDS FILED WITH VARIOUS COUNTY REGISTERS OF DEEDS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Friday, July 18.

S.B. 965 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE THAT THE GENERAL ASSEMBLY MAY PLACE THE CLEAR PROCEEDS OF CIVIL PENALTIES, CIVIL FORFEITURES, AND CIVIL FINES COLLECTED BY A STATE AGENCY IN A STATE FUND TO BE USED EXCLUSIVELY FOR MAINTAINING FREE PUBLIC SCHOOLS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Friday, July 18.

S.B. 359 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE FORSYTH BOARD OF EDUCATION TO APPLY FOR AND BE GRANTED A CHARTER TO OPERATE A CHARTER SCHOOL, AND TO RAISE THE CAP ON CHARTER SCHOOLS TO ONE HUNDRED TEN SCHOOLS, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is referred to the **Rules and Operations of the Senate Committee**.

S.B. 561 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT THAT NOTICE OF LEGISLATIVE MEETINGS BE POSTED ON THE PRESS ROOM DOOR; TO SUBSTITUTE A REQUIREMENT OF MAILING AND ELECTRONIC POSTING OF THE MEETING NOTICE, AND TO REQUIRE APPOINTING AUTHORITIES TO PROVIDE ADDITIONAL INFORMATION REGARDING APPOINTEES TO CERTAIN STATE COMMISSIONS, COUNCILS, COMMITTEES, AND BOARDS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Friday, July 18.

Upon motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns subject to receipt of messages from the House of Representatives, conference reports and committee reports, and in honor of baby James Rolf Blizzard, to meet tomorrow, Friday, July 18, at 10:00 A.M.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 701 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL EMPLOYEES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Friday, July 18.

S.B. 750 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CEILING THAT A SMALL BREWERY MAY PRODUCE WITHOUT BEING REQUIRED TO GO THROUGH A MALT BEVERAGE DISTRIBUTOR, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Friday, July 18.

S.B. 35 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CLOVER GARDEN CHARTER SCHOOL TO ELECT TO PARTICIPATE IN THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, TO AUTHORIZE THE STATE BOARD OF EDUCATION TO GRANT OR RENEW CHARTERS FOR CHARTER SCHOOLS FOR PERIODS UP TO TEN YEARS, TO REQUIRE

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THE STATE BOARD OF EDUCATION TO REVIEW THE OPERATIONS OF CHARTER SCHOOLS AT LEAST EVERY FIVE YEARS, AND TO MODIFY THE AUTHORITY OF THE DUPLIN BOARD OF COUNTY COMMISSIONERS TO REQUIRE THE REGISTER OF DEEDS IN THE COUNTY NOT TO ACCEPT ANY DEED TRANSFERRING REAL PROPERTY FOR REGISTRATION UNLESS THE COUNTY TAX COLLECTOR CERTIFIES THAT NO DELINQUENT TAXES ARE DUE ON THAT PROPERTY, 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. 751 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSIONER OF AGRICULTURE TO IMPOSE CIVIL PENALTIES FOR VIOLATIONS OF THE NORTH CAROLINA FOOD, DRUG AND COSMETIC ACT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Friday, July 18.

The following special messages are received from the House of Representatives:

House of Representatives
July 17, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for HB 440, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WENTWORTH TO EXEMPT AGRICULTURAL LAND USES WITHIN THAT JURISDICTION FROM ZONING AND TO PROVIDE FOR THE CREATION OF ECONOMIC DEVELOPMENT AND TRAINING DISTRICTS, and requests conferees.

Speaker Black has appointed:

Representative Sexton, Chair
Representative Cole, and
Representative Lewis

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
July 17, 2003

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 934 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A REGISTRATION FEE FOR THE AUTHORIZATION OF A PRIVATE FACILITY TO SERVE DWI OFFENDERS AND TO INCREASE THE FEE FOR A SUBSTANCE ABUSE ASSESSMENT CONDUCTED BY AN ASSESSING AGENCY.

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

House of Representatives
July 17, 2003

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for SB 819, A BILL TO BE ENTITLED AN ACT REGARDING THE SALE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC DISTRICT, and requests conferees, Speaker Black appoints:

Representative Miner, Chair
Representative Ross
Representative Munford
Representative Owens, and
Representative Culpepper

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise Weeks
Principal Clerk

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 9:02 P.M.

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ONE HUNDREDTH DAY

Senate Chamber
Friday, July 18, 2003

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, NC as follows:

"Back when I was younger and I had more money than sense...although that still may describe me, and I have a lot less money...I joined a health club. And the trainer told us that you should plan your workout so that at the end you exercised your arms and upper body...so you would be left with the feeling you had really worked out!

"As you approach the end of this session's workout, I hope you're doing some serious flexing, so you can go home in good conscience, feeling like you've had a good workout.

"Great God, we pray for strength and patience and endurance, as the home stretch has been stretched out a bit more. May each Senator be able to say, with the apostle Paul, 'I have fought the good fight, I have finished the race, I have kept the faith', (2 Timothy 4:7) pressing on toward the finish line with good form. Lord, we ask your guidance and presence for another day. Amen."

The Chair grants leaves of absence for today to Senator Bingham, Senator Carrington, Senator Forrester, Senator Garwood, Senator Holloman, Senator Pittenger, Senator Queen and Senator Rucho.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Thursday, 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.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 100, AN ACT TO PROMOTE EFFICIENCY IN STATE GOVERNMENT BY ALLOWING A SALES AND USE TAX EXEMPTION FOR STATE AGENCIES INSTEAD OF A SALES AND USE TAX REFUND TO STATE AGENCIES AND TO ALLOW A SALES AND USE TAX REFUND TO SCHOOL BOARD COOPERATIVES.

S.B. 301, AN ACT TO EXTEND TO THE REMAINING TWELVE COUNTIES THE AUTHORITY CURRENTLY GIVEN TO EIGHTY-EIGHT COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR LOCAL BOARDS OF EDUCATION.

S.B. 563, AN ACT TO REPEAL THE LAWS REGULATING ATHLETE AGENTS AND TO ADOPT THE UNIFORM ATHLETE AGENTS ACT.

S.B. 705, 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.

S.B. 753, ACT TO AMEND THE QUALIFICATIONS FOR PERSONS NOMINATED AS MAGISTRATES AND TO ESTABLISH A PILOT PROGRAM IN TWELFTH JUDICIAL DISTRICT TO ADDRESS CONFLICTING CHILD CUSTODY ORDERS.

S.B. 831, AN ACT TO PROVIDE FOR IMPROVED STAGGERED TERMS OF THE MEMBERS OF THE CLEAN WATER MANAGEMENT FUND BOARD OF TRUSTEES, TO INCREASE THE NUMBER OF MEMBERS OF THE BOARD, AND TO MAKE APPOINTMENTS TO THE BOARD.

H.B. 79, AN ACT TO REQUIRE THAT A DNA SAMPLE BE TAKEN FROM ANY PERSON CONVICTED OF ANY FELONY OR CERTAIN OTHER CRIMINAL OFFENSES OR WHO IS FOUND NOT GUILTY BY REASON OF INSANITY OF ANY FELONY OR CERTAIN OTHER CRIMINAL OFFENSES, TO CLARIFY WHEN THAT SAMPLE IS TAKEN, AND TO CLARIFY CONFIDENTIALITY.

H.B. 150, AN ACT TO PROVIDE CRITERIA FOR AWARDING STATE GRANTS TO STUDENTS ATTENDING CERTAIN ACCREDITED INSTITUTIONS OF HIGHER EDUCATION.

H.B. 751, AN ACT RELATING TO THE TITLE TO EXISTING LAND AND THE LAND BUILT UP AND CONSTRUCTED IN THE TOWN OF KITTY HAWK IN THE COUNTY OF DARE AS A RESULT OF CERTAIN EROSION CONTROL WORK IN SAID TOWN AND ANNEXING A TRACT TO THE CORPORATE LIMITS OF THAT TOWN.

H.B. 797, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ASSIST LOCAL SCHOOL ADMINISTRATIVE UNITS ON THE IMPLEMENTATION OF THE NO CHILD LEFT BEHIND ACT OF 2001.

H.B. 886, AN ACT TO AMEND CERTAIN PROVISIONS OF ARTICLE 1, CHAPTER 90 OF THE GENERAL STATUTES RELATING TO THE NORTH CAROLINA MEDICAL BOARD AND THE PRACTICE OF MEDICINE.

H.B. 1030, AN ACT TO REDUCE THE CONCEALED HANDGUN PERMIT APPLICATION AND RENEWAL FEES FOR QUALIFIED RETIRED SWORN LAW ENFORCEMENT OFFICERS.

H.B. 1066, AN ACT TO FACILITATE THE SUBMISSION OF COMPLETE CLAIMS BY PROVIDERS UNDER HEALTH BENEFIT PLANS BY REQUIRING

HEALTH BENEFIT PLANS TO DISCLOSE TO CONTRACT PROVIDERS THE PLANS' SCHEDULES OF FEES AND CLAIMS SUBMISSION AND REIMBURSEMENT POLICIES, AND TO PROVIDE NOTICE TO THE PROVIDER PRIOR TO IMPLEMENTING CHANGES TO THE SCHEDULES OR POLICIES.

H.B. 1114, AN ACT TO MAKE VOLUNTEER FILES MAINTAINED BY LOCAL BOARDS OF EDUCATION PRIVATE.

H.B. 1294, AN ACT TO EXPAND THE QUALIFIED BUSINESS INVESTMENTS TAX CREDIT AND TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT.

And the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 313, AN ACT TO CONSOLIDATE AND REVISE THE CHARTER OF THE CITY OF ROCKY MOUNT.

H.B. 697, AN ACT TO ALLOW THE CITY OF TROY AND ITS REDEVELOPMENT COMMISSION TO ACQUIRE PROPERTY WITHIN A REDEVELOPMENT AREA USING THE "QUICK TAKE" PROCEDURE, TO REVISE AND CONSOLIDATE THE CHARTERS OF THE TOWNS OF PEACHLAND AND POLKTON, AND TO ALLOW THE CITY OF HICKORY TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES.

H.B. 736, AN ACT TO AUTHORIZE THE CITY OF DURHAM TO COLLECT A GENERAL MUNICIPAL VEHICLE TAX OF UP TO TEN DOLLARS ON VEHICLES RESIDENT IN THE CITY AND TO AUTHORIZE THE CITY OF DURHAM TO ENTER INTO A JOINT AGREEMENT WITH A PRIVATE UNIVERSITY TO EXTEND THE JURISDICTION OF THE CAMPUS LAW ENFORCEMENT AGENCY OF THE PRIVATE UNIVERSITY INTO THE JURISDICTION OF THE CITY OF DURHAM.

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 926, AN ACT TO ENHANCE THE PENALTY FOR AN ASSAULT IN THE PRESENCE OF A MINOR.

And the following resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 1022, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF SAMUEL KOONCE, FORMER CIVIC LEADER. (Res. 26)

H.J.R. 1328, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF REVERENDS ADOLPHEUS NUSSMAN AND JOHANN GOTTFRIED ARENDS ON THE 200TH ANNIVERSARY OF THE NORTH CAROLINA SYNOD OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA. (Res. 27)

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. 733, AN ACT TO ALLOW RETIRED MEMBERS OF THE DURHAM FIREMEN'S SUPPLEMENTAL RETIREMENT SYSTEM TO SERVE ON THE BOARD OF TRUSTEES OF THE SYSTEM AND TO MAKE THE NAME OF THE SYSTEM GENDER-NEUTRAL. (Became law upon ratification, July 17, 2003--S.L. 2003-325.)

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**:

H.B. 819, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE REQUIREMENT THAT THE COUNTY BOARDS OF ELECTIONS MUST PROVIDE BEYOND THE BUFFER ZONE AROUND THE VOTING PLACE A SPACE WHERE CAMPAIGNING AND OTHER ELECTION-RELATED ACTIVITY CAN BE CONDUCTED, 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 60390 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.

H.B. 1126 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING COLLABORATIVE LAW PROCEDURES UNDER CHAPTER 50 OF THE GENERAL STATUTES WHEREBY PARTIES SEEKING A DIVORCE AND THEIR ATTORNEYS MAY SETTLE THEIR DISPUTES BY WRITTEN AGREEMENT WITH LIMITED JUDICIAL INTERVENTION, 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 30411 is adopted and engrossed.

With unanimous consent, upon motion of Senator Clodfelter, the rules are suspended and the Senate Committee Substitute bill is placed at the end of today's Calendar.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

S.B. 317 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A TWO-YEAR MORATORIUM ON ANNEXATIONS INTO

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THE COUNTY OF CABARRUS BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THE COUNTY AND TO ADD TERRITORY TO THE ECONOMIC DEVELOPMENT ZONE WHERE THERE IS A MORATORIUM ON ANNEXATION AND AFFECTING ELECTRONIC SIGNATURES AND ELECTRONIC RECORDS FILED WITH VARIOUS COUNTY REGISTERS OF DEEDS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill (42-0) and the measure is ordered enrolled.

WITHDRAWAL FROM COMMITTEE

H.B. 65 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PHOTOGRAPHS AND VIDEO OR AUDIO RECORDINGS MADE PURSUANT TO AN AUTOPSY ARE NOT PUBLIC RECORDS AND TO ALLOW FOR LIMITED ACCESS TO RECORDED IMAGES OF AN AUTOPSY BY THE PUBLIC, referred to the **Judiciary I Committee** on April 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Judiciary I Committee** and re-referred to the **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 *(continued)*

H.B. 281 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO AUTHORIZE FINANCING OF A NEW CLINICAL CANCER CENTER, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, as amended on second reading, upon third reading.

The President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 1026 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE PROGRAM FOR THE COLLECTION OF WORTHLESS CHECKS AVAILABLE STATEWIDE, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Berger, Blake, Brock, Carpenter, Clodfelter, Dannelly, Dorsett, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Purcell, Rand, Reeves, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—40.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

H.B. 328 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REVISING REAL ESTATE LICENSING EXAMINATION PROCEDURES, CLARIFYING CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE LICENSEES, AND ENABLING THE REAL ESTATE COMMISSION TO PERMIT LIMITED COMMERCIAL PRACTICE BY NONRESIDENT REAL ESTATE BROKERS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Berger, Blake, Brock, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Purcell, Rand, Reeves, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and Weinstein—41.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Saturday, July 19, upon third reading.

H.B. 566 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROVE IN PART AND DISAPPROVE IN PART THE ADMINISTRATIVE RULE RECLASSIFICATION BY THE ENVIRONMENTAL MANAGEMENT COMMISSION OF PORTIONS OF SWIFT CREEK AND SANDY CREEK IN THE TAR-PAMLICO RIVER BASIN.

The Senate Committee Substitute bill passes its second reading (26-13).

Senator Kinnaird objects to third reading of the measure. Pursuant to Rule 50, the President, orders the measure placed on the Calendar for tomorrow, Saturday, July 19.

H.B. 674 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES.

The President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 694 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE ASHEBORO MUNICIPAL AIRPORT AS THE OFFICIAL LOCATION OF THE NORTH CAROLINA AVIATION HALL OF FAME AND THE NORTH CAROLINA AVIATION MUSEUM AND TO DESIGNATE THE WILMINGTON INTERNATIONAL AIRPORT AS THE OFFICIAL LOCATION OF THE NORTH CAROLINA MUSEUM OF AVIATION.

The Senate Committee Substitute bill 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.

H.J.R. 1338, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ALAN PRESTON NEELY, MINISTER AND COMMUNITY LEADER.

With unanimous consent, upon motion of Senator Malone, the joint resolution is read in its entirety and, upon motion of Senator Webster, the remarks of Senator Malone are spread upon the Journal, as follows:

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Senator Malone:

“Thank you, Madame President. Ladies and gentlemen of the Senate, this resolution, as you well know, came to us from across the pool. Senators Stevens or Reeves could certainly be the spokesperson for this, so I’m humbled to have been asked to make some brief comments concerning the life of Alan Neely. The Reverend Dr. Neely was a humanitarian by the true sense of the definition. He sought no fame. He never sought public office. He lived what we read in the prayer books on Sunday mornings. He was an esteemed Baptist minister, but Reverend Neely had no romance with the microphone. He could go through meetings and never make a comment, which gave him the distinction of being able to be heard when he chose to speak. He spoke so seldom in meetings that when he decided to make a comment people listened to what it was that he had to say. Only three people in this Chamber, maybe a few more, would know the Reverend Dr. Neely, Senator Stevens and Senator Reeves. If you went to the homeless shelter, if you visited people who slept on benches in the parks and called Alan Neely’s name, they would know who it is that you were talking about. A great gentleman and a fine citizen, and I have never, ever heard a negative statement made concerning this man’s life. I’m humbled to have had the opportunity to speak to you concerning his life and this resolution and I would be very pleased if you would support this with a unanimous vote.”

The joint resolution passes its second reading (41-0) and third reading with members standing, and is ordered enrolled.

S.B. 852 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO PROVIDE INTERNET ACCESS BY ORGAN PROCUREMENT ORGANIZATIONS AND EYE BANKS TO INFORMATION IN DIVISION OF MOTOR VEHICLE RECORDS PERTAINING TO ORGAN DONATION; TO ESTABLISH THE "LICENSE TO GIVE TRUST FUND" TO FUND INITIATIVES THAT EDUCATE AND PROMOTE ORGAN AND TISSUE DONATION; AND TO INCREASE THE FEE FOR ISSUANCE, RENEWAL, AND DUPLICATION OF A DRIVERS LICENSE OR SPECIAL IDENTIFICATION CARD AND PROVIDE THAT THE PROCEEDS OF THE INCREASE SHALL BE USED TO IMPLEMENT THIS ACT.

The Committee Substitute bill No. 3 passes its third reading (41-0) and is ordered sent to the House of Representatives by special message.

S.B. 226 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ADMINISTRATION OF MEDICATION TO A CHILD IN A LICENSED OR UNLICENSED CHILD CARE FACILITY WITHOUT PROPER AUTHORIZATION FROM THE CHILD'S PARENT OR GUARDIAN, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Purcell, the Senate concurs in the House Committee Substitute bill No. 2, (42-0) and the measure is ordered enrolled and sent to the Governor by special message.

S.B. 561 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT THAT NOTICE OF LEGISLATIVE MEETINGS BE POSTED ON THE PRESS ROOM DOOR; TO SUBSTITUTE A

REQUIREMENT OF MAILING AND ELECTRONIC POSTING OF THE MEETING NOTICE, AND TO REQUIRE APPOINTING AUTHORITIES TO PROVIDE ADDITIONAL INFORMATION REGARDING APPOINTEES TO CERTAIN STATE COMMISSIONS, COUNCILS, COMMITTEES, AND BOARDS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (42-0) and the measure is ordered enrolled and sent to the Governor by special message.

Upon the appearance of Senator Pittenger in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

S.B. 659 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF THE SECRETARY OF STATE TO INCLUDE IN ITS ANNUAL REPORT INFORMATION REGARDING SOLICITATIONS OF CHARITABLE CONTRIBUTIONS THAT INFORMS THE PUBLIC OF THE PERCENTAGES OF THE SOLICITORS' REVENUES THAT CHARITABLE ORGANIZATIONS OR SPONSORS WILL RECEIVE AS BENEFITS FROM SOLICITATION CAMPAIGNS, TO PROVIDE FOR WIDER DISSEMINATION OF THE ANNUAL REPORT TO THE PUBLIC AND TO EXEMPT CERTAIN NONPROFIT FIRE OR EMERGENCY MEDICAL SERVICE ORGANIZATIONS FROM REPORTING AND OTHER REQUIREMENTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill (43-0) and the measure is ordered enrolled and sent to the Governor by special message.

S.B. 701 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL EMPLOYEES, for concurrence in the House Committee Substitute bill.

The President orders, without objection, the House Committee Substitute bill temporarily displaced.

S.B. 750 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CEILING THAT A SMALL BREWERY MAY PRODUCE WITHOUT BEING REQUIRED TO GO THROUGH A MALT BEVERAGE DISTRIBUTOR, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hagan, the Senate fails to concur in the House Committee Substitute bill (5-38).

Senator Hagan offers a motion that the Senate appoint conferees, which motion prevails.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

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By Senator Purcell for the **Health and Human Resources Committee**:

H.B. 932 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING REGIONAL INTERAGENCY COORDINATING COUNCILS UNDER THE LAWS RELATING TO EARLY INTERVENTION SERVICES FOR CHILDREN FROM BIRTH TO FIVE YEARS OF AGE WITH DISABILITIES, with a favorable report.

CALENDAR (*continued*)

S.B. 751 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSIONER OF AGRICULTURE TO IMPOSE CIVIL PENALTIES FOR VIOLATIONS OF THE NORTH CAROLINA FOOD, DRUG AND COSMETIC ACT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hagan, the Senate concurs in the House Committee Substitute bill (43-0) and the measure is ordered enrolled and sent to the Governor by special message.

S.B. 965 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE THAT THE GENERAL ASSEMBLY MAY PLACE THE CLEAR PROCEEDS OF CIVIL PENALTIES, CIVIL FORFEITURES, AND CIVIL FINES COLLECTED BY A STATE AGENCY IN A STATE FUND TO BE USED EXCLUSIVELY FOR MAINTAINING FREE PUBLIC SCHOOLS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dalton, the Senate concurs in the House Committee Substitute bill on its second reading by a three-fifths majority vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Blake, Brock, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Rand, Reeves, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—42.

Voting in the negative: Senator Webster—1.

Upon motion of Senator Dalton, the Senate concurs in the House Committee Substitute bill on its third reading by a three-fifths majority vote, ayes 41, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Blake, Brock, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Rand, Reeves, Shaw, Shubert, Sloan, Smith, Stevens, Swindell, Thomas, Tillman and Weinstein—41.

Voting in the negative: Senator Webster—1.

The House Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

S.B. 934 (Conference Report), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A REGISTRATION FEE FOR THE AUTHORIZATION OF A

PRIVATE FACILITY TO SERVE DWI OFFENDERS AND TO REQUIRE THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO STUDY THE SUBSTANCE ABUSE SERVICES OFFERED BY AN ASSESSING AGENCY AND THE ADEQUACY OF THE FEE IMPOSED FOR A SUBSTANCE ABUSE ASSESSMENT CONDUCTED BY AN ASSESSING AGENCY, for adoption.

Upon motion of Senator Kerr, the Senate adopts the Conference Report (42-0).

Pursuant to the message from the House of Representatives that the House has adopted the Conference Report, the measure is ordered 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.

H.B. 786 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND LIABILITY RULES THAT APPLY TO CIVIL PARKING, RED LIGHT CAMERA, AND PHOTOGRAPHIC SPEED-MEASURING SYSTEM ENFORCEMENT ACTIONS, for adoption.

Upon motion of Senator Clodfelter, the Senate adopts the Conference Report (41-1).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

H.B. 1194 (Conference Report), A BILL TO BE ENTITLED AN ACT TO CREATE THE "E-NC" AUTHORITY TO CONTINUE THE WORK OF THE RURAL INTERNET ACCESS AUTHORITY, for adoption.

Upon motion of Senator Reeves, the Senate adopts the Conference Report (40-3).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

APPOINTMENT OF CONFERENCE COMMITTEES

H.B. 440 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WENTWORTH TO EXEMPT AGRICULTURAL LAND USES WITHIN THAT JURISDICTION FROM ZONING AND TO PROVIDE FOR THE CREATION OF ECONOMIC DEVELOPMENT AND TRAINING DISTRICTS.

Pursuant to the message from the House of Representatives received on July 17 that the House fails to concur in the Senate Committee Substitute bill No. 2 for H.B. 440 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Berger, Chair; Senator Hoyle; Senator Kerr; and Senator Smith 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.

S.B. 51 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLOSE A LOOPHOLE THAT ALLOWS CORPORATIONS TO CONTINUE AVOIDING FRANCHISE TAXES AND TO REMOVE PROVISIONS THAT COULD RESULT IN FRANCHISE TAXES ON UNRELATED LIMITED LIABILITY COMPANIES.

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Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 51 on Thursday, July 17, and the motion by Senator Clodfelter to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Clodfelter, Chair; Senator Hartsell; Senator Hoyle; and Senator Kerr as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

S.B. 750 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CEILING THAT A SMALL BREWERY MAY PRODUCE WITHOUT BEING REQUIRED TO GO THROUGH A MALT BEVERAGE DISTRIBUTOR.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 750 earlier today and the motion by Senator Hagan to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Hagan, Chair, and Senator Hartsell and Senator Soles as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CALENDAR *(continued)*

H.B. 819 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE REQUIREMENT THAT THE COUNTY BOARDS OF ELECTIONS MUST PROVIDE BEYOND THE BUFFER ZONE AROUND THE VOTING PLACE A SPACE WHERE CAMPAIGNING AND OTHER ELECTION-RELATED ACTIVITY CAN BE CONDUCTED, placed earlier on today's Calendar.

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.

H.B. 1126 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING COLLABORATIVE LAW PROCEDURES UNDER CHAPTER 50 OF THE GENERAL STATUTES WHEREBY PARTIES SEEKING A DIVORCE AND THEIR ATTORNEYS MAY SETTLE THEIR DISPUTES BY WRITTEN AGREEMENT WITH LIMITED JUDICIAL INTERVENTION, placed earlier on today's Calendar.

The Senate Committee Substitute bill passes its second (32-11) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

The Senate recesses at 12:10 P.M. to reconvene at 3:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Moore.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 226, AN ACT TO PROHIBIT THE ADMINISTRATION OF MEDICATION TO A CHILD IN A LICENSED OR UNLICENSED CHILD CARE FACILITY WITHOUT PROPER AUTHORIZATION FROM THE CHILD'S PARENT OR GUARDIAN.

S.B. 324, AN ACT TO INCREASE THE HOMEOWNERS RECOVERY FUND PERMIT FEE.

S.B. 550, AN ACT TO IMPROVE AND STRENGTHEN CREMATION LAW IN NORTH CAROLINA AND TO IMPROVE AND MAKE TECHNICAL CORRECTIONS TO THE FUNERAL LAW.

S.B. 561, ACT TO ELIMINATE THE REQUIREMENT THAT NOTICE OF LEGISLATIVE MEETINGS BE POSTED ON THE PRESS ROOM DOOR; TO SUBSTITUTE A REQUIREMENT OF MAILING AND ELECTRONIC POSTING OF THE MEETING NOTICE, AND TO REQUIRE APPOINTING AUTHORITIES TO PROVIDE ADDITIONAL INFORMATION REGARDING APPOINTEES TO CERTAIN STATE COMMISSIONS, COUNCILS, COMMITTEES, AND BOARDS.

S.B. 633, AN ACT TO REVISE THE UNIVERSITY OF NORTH CAROLINA SPECIAL OBLIGATION BOND LAW.

S.B. 659, AN ACT TO DIRECT THE DEPARTMENT OF THE SECRETARY OF STATE TO INCLUDE IN ITS ANNUAL REPORT INFORMATION REGARDING SOLICITATIONS OF CHARITABLE CONTRIBUTIONS THAT INFORMS THE PUBLIC OF THE PERCENTAGES OF THE SOLICITORS' REVENUES THAT CHARITABLE ORGANIZATIONS OR SPONSORS WILL RECEIVE AS BENEFITS FROM SOLICITATION CAMPAIGNS, TO PROVIDE FOR WIDER DISSEMINATION OF THE ANNUAL REPORT TO THE PUBLIC AND TO EXEMPT CERTAIN NONPROFIT FIRE OR EMERGENCY MEDICAL SERVICE ORGANIZATIONS FROM REPORTING AND OTHER REQUIREMENTS.

S.B. 751, AN ACT TO AUTHORIZE THE COMMISSIONER OF AGRICULTURE TO IMPOSE CIVIL PENALTIES FOR VIOLATIONS OF THE NORTH CAROLINA FOOD, DRUG AND COSMETIC ACT.

S.B. 934, AN ACT TO ESTABLISH A REGISTRATION FEE FOR THE AUTHORIZATION OF A PRIVATE FACILITY TO SERVE DWI OFFENDERS AND TO REQUIRE THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON

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MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO STUDY THE SUBSTANCE ABUSE SERVICES OFFERED BY AN ASSESSING AGENCY AND THE ADEQUACY OF THE FEE IMPOSED FOR A SUBSTANCE ABUSE ASSESSMENT CONDUCTED BY AN ASSESSING AGENCY.

S.B. 965, AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE THAT THE GENERAL ASSEMBLY MAY PLACE THE CLEAR PROCEEDS OF CIVIL PENALTIES, CIVIL FORFEITURES, AND CIVIL FINES COLLECTED BY A STATE AGENCY IN A STATE FUND TO BE USED EXCLUSIVELY FOR MAINTAINING FREE PUBLIC SCHOOLS.

H.B. 815, AN ACT TO AMEND THE DEFINITION OF CHEMICAL DEPENDENCY TREATMENT FACILITY TO PROVIDE THAT SOCIAL SETTING DETOXIFICATION FACILITIES AND MEDICAL DETOXIFICATION FACILITIES ARE NOT CHEMICAL DEPENDENCY TREATMENT FACILITIES FOR THE PURPOSES OF CERTIFICATE OF NEED REQUIREMENTS AND TO AMEND THE DEFINITION OF CHEMICAL DEPENDENCY TREATMENT BED TO PROVIDE THAT BEDS LICENSED FOR DETOXIFICATION ARE NOT CHEMICAL DEPENDENCY TREATMENT BEDS FOR THE PURPOSES OF CERTIFICATE OF NEED REQUIREMENTS; AND TO PROVIDE THAT SOCIAL SETTING DETOXIFICATION FACILITIES AND MEDICAL DETOXIFICATION FACILITIES SHALL NOT DENY ADMISSION OR TREATMENT TO AN INDIVIDUAL ON THE BASIS OF THE INDIVIDUAL'S INABILITY TO PAY.

H.B. 1026, AN ACT TO MAKE THE PROGRAM FOR THE COLLECTION OF WORTHLESS CHECKS AVAILABLE STATEWIDE.

And the following resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 317, AN ACT TO PROVIDE FOR A TWO-YEAR MORATORIUM ON ANNEXATIONS INTO THE COUNTY OF CABARRUS BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THE COUNTY AND TO ADD TERRITORY TO THE ECONOMIC DEVELOPMENT ZONE WHERE THERE IS A MORATORIUM ON ANNEXATION AND AFFECTING ELECTRONIC SIGNATURES AND ELECTRONIC RECORDS FILED WITH VARIOUS COUNTY REGISTERS OF DEEDS.

H.J.R. 1338, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ALAN PRESTON NEELY, MINISTER AND COMMUNITY LEADER. (Res. 28)

CALENDAR (*continued*)

H.B. 281 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO AUTHORIZE FINANCING OF A NEW CLINICAL CANCER CENTER, AND TO MAKE VARIOUS OTHER CHANGES

TO THE GENERAL STATUTES AND SESSION LAWS, as amended on second reading, upon third reading.

Senator Clodfelter offers Amendment No. 8 which is adopted (39-0).

Senator Clodfelter offers Amendment No. 9 which is adopted (41-0).

Senator Rand offers Amendment No. 10 which is adopted (42-0).

Senator Rand offers Amendment No. 11 which is adopted (42-0).

Senator Reeves offers Amendment No. 12 which is adopted (41-1).

Senator Hartsell offers Amendment No. 13 which is adopted (42-0).

Senator Foxx offers Amendment No. 14 which is adopted (42-0).

Senator Foxx offers Amendment No. 15.

Senator Kerr requests a fiscal note for Amendment No. 15. Pursuant to Rule 42.1(a), the amendment is not considered.

Senator Garrou offers Amendment No. 16 which is adopted (40-2).

Senator Foxx offers Amendment No. 17.

Senator Rand offers a motion that Amendment No. 17 lie upon the table, seconded by Senator Gulley.

The motion to table Amendment No. 17 prevails (23-18).

Senator Shubert offers Amendment No. 18 which the President rules ineligible for consideration pursuant to Rule 53.

Senator Swindell offers Amendment No. 19 which is adopted (41-0).

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 33, noes 9, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Blake, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Garrou, Gulley, Hagan, Hargett, Hartsell, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Purcell, Rand, Reeves, Shaw, Smith, Soles, Stevens, Swindell, Thomas and Weinstein—33.

Voting in the negative: Senators Berger, Brock, Foxx, Horton, Pittenger, Shubert, Sloan, Tillman and Webster—9.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

The Senate recesses at 4:45 P.M. for the purpose of a **Finance Committee** meeting to reconvene at 5:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Blake.

H.B. 674 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES.

Upon motion of Senator Rand, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

July 18, 2003

CONFERENCE REPORT

Senator Berger, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 440** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WENTWORTH TO EXEMPT AGRICULTURAL LAND USES WITHIN THAT JURISDICTION FROM ZONING AND TO PROVIDE FOR THE CREATION OF ECONOMIC DEVELOPMENT AND TRAINING DISTRICTS, 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 440, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WENTWORTH TO EXEMPT AGRICULTURAL LAND USES WITHIN THAT JURISDICTION FROM ZONING AND TO PROVIDE FOR THE CREATION OF ECONOMIC DEVELOPMENT AND TRAINING DISTRICTS, Senate Finance Committee Substitute Adopted 6/5/03 Third Edition Engrossed 6/11/03, submit the following report:

The Senate and House agree to the following amendment to the Senate Committee Substitute, Third Edition Engrossed 6/11/03, and the Senate concurs in the House Committee Substitute, as amended:

Delete the entire Senate Committee Substitute, Third Edition Engrossed 6/11/03, and substitute the attached Proposed Conference Committee Substitute H440-PCCS30422-SV-3.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 18, 2003.

Conferees for the Senate

Conferees for the
House of Representatives

S/Philip E. Berger, Chair
S/Fred Smith
S/John Kerr
S/David Hoyle

S/Wayne Sexton, Chair
S/E. Nelson Cole
S/David R. Lewis

The text of the attached Proposed Conference Committee Substitute H440-PCCS30422-SV-3 is as follows:

A BILL TO BE ENTITLED
AN ACT AMENDING THE CHARTER OF THE TOWN OF WENTWORTH TO
EXEMPT AGRICULTURAL LAND USES WITHIN THAT JURISDICTION
FROM ZONING.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Wentworth, being Chapter 76 of the Private Laws of 1798, as amended by S.L. 1997-322, is amended by adding a new section to read:

"Sec. 5.2. **Zoning Exemption.** Notwithstanding any other provision of law, the Town may not regulate or restrict agricultural land uses under its zoning ordinance. For the purposes of this section, an 'agricultural land use' includes 'agricultural land' as defined in G.S. 105-277.2 and property used for 'bona fide farm purposes' as defined in G.S. 153A-340(b)(2). This exemption does not limit regulation under this section with respect to the use of farm property for nonfarm purposes."

SECTION 2. This act is effective when it becomes law.

The Conference Report is placed on the Calendar for tomorrow, Saturday, July 19, for adoption.

REPORTS OF COMMITTEES

Senator Metcalf for the Education/Higher Education Committee:



SENATE EDUCATION/HIGHER EDUCATION COMMITTEE

2003-2004 Biennium

Senator Jeanne Lucas, Co-Chair

Room 300-0, LOB

Raleigh, NC

(919) 733-.4599

Senator Steve Metcalf, Co-Chair

Room 300-B, LOB

Raleigh, NC 27601-2808

(919) 733-7850

Senator John Garwood, Co-Chair

Room 1113, LB

Raleigh, NC 27601-2808

(919) 733-5742

July 18, 2003

MEMORANDUM

TO: Members of the Senate

FROM: Senator Jeanne Lucas, Co-Chair,
Senator Steve Metcalf, Co-Chair
Senator John Garwood, Co -Chair
Education/Higher Education Committee

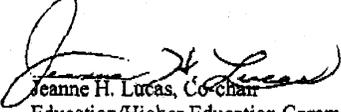
RE: The State Board of Community Colleges Election

July 18, 2003

The Senate Committee on Education/Higher Education nominates the following individuals for election by the Senate for membership to a six-year term, beginning July 1, 2003, on the State Board of Community Colleges:

Dr. Linwood Warren Powell
Anne-Marie Knighton

No additional nominations shall be received from the floor.



Jeanne H. Lucas, Co-chair
Education/Higher Education Committee



Steve Metcalf, Co-chair
Education/Higher Education Committee

The report and nominations are placed on the Calendar for tomorrow, Saturday, July 19.

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 takes their place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 1303 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT ATHLETIC CONTESTS SPONSORED BY INCOME TAX EXEMPT PERSONS FROM THE AMUSEMENTS PRIVILEGE TAX, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

S.B. 944, A BILL TO BE ENTITLED AN ACT TO PROVIDE JOBS FOR THE 21ST CENTURY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 40072, which changes the title to read **S.B. 944** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SALES TAX REFUNDS FOR CONSTRUCTION MATERIALS FOR AIRCRAFT AND MOTOR VEHICLE MANUFACTURING FACILITIES, PHARMACEUTICAL AND BIOPROCESSING FACILITIES, AND SEMICONDUCTOR MANUFACTURING FACILITIES, AND TO EXPAND THE MEMBERSHIP OF THE REVENUE LAWS STUDY COMMITTEE, is adopted and engrossed.

WITHDRAWAL FROM CLERK'S OFFICE

S.B. 35 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CLOVER GARDEN CHARTER SCHOOL TO ELECT TO PARTICIPATE IN THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, TO AUTHORIZE THE STATE BOARD OF EDUCATION TO GRANT OR RENEW CHARTERS FOR CHARTER SCHOOLS FOR PERIODS UP TO TEN YEARS, TO REQUIRE THE STATE BOARD OF EDUCATION TO REVIEW THE OPERATIONS OF CHARTER SCHOOLS AT LEAST EVERY FIVE YEARS, AND TO MODIFY THE AUTHORITY OF THE DUPLIN BOARD OF COUNTY COMMISSIONERS TO REQUIRE THE REGISTER OF DEEDS IN THE COUNTY NOT TO ACCEPT ANY DEED TRANSFERRING REAL PROPERTY FOR REGISTRATION UNLESS THE COUNTY TAX COLLECTOR CERTIFIES THAT NO DELINQUENT TAXES ARE DUE ON THAT PROPERTY, for concurrence in the House Committee Substitute bill, ordered held in the Office of the Principal Clerk on July 17.

Senator Rand, Chairman of the **Rules and Operations of the Senate Committee**, withdraws the House Committee Substitute bill from the Clerk's Office and places the bill on today's Supplemental Calendar.

CALENDAR (*continued*)

S.B. 701 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL EMPLOYEES, for concurrence in the House Committee Substitute bill, temporarily displaced earlier.

Upon motion of Senator Metcalf, the Senate concurs in the House Committee Substitute bill (39-0) and the measure is ordered enrolled and sent to the Governor by special message.

SUPPLEMENTAL CALENDAR

A bill on today's Supplemental Calendar is taken up and disposed of, as follows:

S.B. 35 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CLOVER GARDEN CHARTER SCHOOL TO ELECT TO PARTICIPATE IN THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, TO AUTHORIZE THE STATE BOARD OF EDUCATION TO GRANT OR RENEW CHARTERS FOR CHARTER SCHOOLS FOR PERIODS UP TO TEN YEARS, TO REQUIRE THE STATE BOARD OF EDUCATION TO REVIEW THE OPERATIONS OF CHARTER SCHOOLS AT LEAST EVERY FIVE YEARS, AND TO MODIFY THE AUTHORITY OF THE DUPLIN BOARD OF COUNTY COMMISSIONERS TO REQUIRE THE REGISTER OF DEEDS IN THE COUNTY NOT TO ACCEPT ANY DEED TRANSFERRING REAL PROPERTY FOR REGISTRATION UNLESS THE COUNTY TAX COLLECTOR CERTIFIES THAT NO DELINQUENT TAXES ARE DUE ON THAT PROPERTY, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the Senate concurs in the House Committee

July 18, 2003

Substitute bill (39-0) and the measure is ordered enrolled and sent to the Governor by special message.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives
July 18, 2003

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for SB 750, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CEILING THAT A SMALL BREWERY MAY PRODUCE WITHOUT BEING REQUIRED TO GO THROUGH A MALT BEVERAGE DISTRIBUTOR, and requests conferees, Speaker Morgan appoints:

Representative Hackney, Chair
Representative Harrell
Representative Sherrill
Representative Hill
Representative Adams
Representative Howard
Representative Gibson
Representative Bowie, and
Representative McComas

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise Weeks
Principal Clerk

House of Representatives
July 18, 2003

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for SB 51, A BILL TO BE ENTITLED AN ACT TO CLOSE A LOOPHOLE THAT ALLOWS CORPORATIONS TO CONTINUE AVOIDING FRANCHISE TAXES AND TO REMOVE PROVISIONS THAT COULD RESULT IN FRANCHISE TAXES ON UNRELATED LIMITED LIABILITY COMPANIES, and requests conferees, Speaker Morgan appoints:

Representative Munford, Chair
Representative Sherrill

Representative Luebke
Representative McComas, and
Representative G. Allen

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
July 18, 2003

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 786 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND LIABILITY RULES THAT APPLY TO CIVIL PARKING, RED LIGHT CAMERA, AND PHOTOGRAPHIC SPEED-MEASURING SYSTEM ENFORCEMENT ACTIONS.

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

House of Representatives
July 18, 2003

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 986 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A MOTOR VEHICLE INSURER TO DISCLOSE ANY FINANCIAL INTEREST IN A RECOMMENDED REPAIR FACILITY OR SERVICE AND REQUIRING AN INSURER TO DISCLOSE THE USE OF NONORIGINAL CRASH REPAIR PARTS OR NONORIGINAL AUTO GLASS FOR MOTOR VEHICLE REPAIRS.

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

July 18, 2003

House of Representatives
July 18, 2003

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 1194 (Conference Report), A BILL TO BE ENTITLED AN ACT TO CREATE THE "E-NC" AUTHORITY TO CONTINUE THE WORK OF THE RURAL INTERNET ACCESS 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

S.B. 168 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CREATION OF ECONOMIC DEVELOPMENT AND TRAINING DISTRICTS, for concurrence in House Amendment No. 1.

The Committee Substitute bill, as amended, is placed on the Calendar for tomorrow, Saturday, July 19.

H.B. 918 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR SERVICE OF PROCESS IN CIVIL CASES AND TO EARMARK THE INCREASE TO ENSURE TIMELY SERVICE OF PROCESS.

Referred to **Finance Committee**.

S.B. 725 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PERMIT CITIES AND COUNTIES TO INCUR OBLIGATIONS TO FINANCE THE PUBLIC PORTION OF CERTAIN ECONOMIC DEVELOPMENT PROJECTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Saturday, July 19.

S.B. 61 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BRING STATE LAW INTO COMPLIANCE WITH RECENTLY ADOPTED FEDERAL REGULATIONS CONCERNING THE EFFECT OF VIOLATION OF RAILROAD CROSSING SAFETY AND OTHER STATE LAWS ON COMMERCIAL DRIVERS LICENSES, AND REQUIRING A NEW "S" ENDORSEMENT FOR PERSONS OPERATING SCHOOL BUSES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, AND TO AUTHORIZE A STUDY OF THE NEED FOR A MOPED IDENTIFICATION TAG PROGRAM, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Saturday, July 19.

H.B. 1241 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE REINSTATEMENT OF THE TWENTY PERCENT UNEMPLOYMENT INSURANCE SURTAX.

Referred to **Finance Committee**.

S.J.R. 416 (House Committee Substitute No. 2), A JOINT RESOLUTION SETTING THE DATE FOR THE SENATE AND THE HOUSE OF REPRESENTATIVES TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Rand, the rules are suspended, without objection, 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, (38-0) and the measure is ordered enrolled.

CALENDAR *(continued)*

H.B. 674 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES, temporarily displaced earlier.

Senator Rand offers Amendment No. 1 which is adopted (40-0).

Senator Jenkins offers Amendment No. 2 which is adopted (40-0).

Senator Ballantine offers Amendment No. 3 which is adopted (40-0).

The Chair grants a leave of absence for the remainder of today's session to Senator Jenkins.

Senator Garrou offers Amendment No. 4 which is adopted (39-0).

Senator Sloan offers Amendment No. 5 which is adopted (39-0).

The Senate Committee Substitute bill, as amended, passes its second (39-0) 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.

CONFERENCE REPORT

Senator Thomas, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 872** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE PROTECTIONS FOR TELEPHONE SUBSCRIBERS WHO WISH TO STOP UNWANTED TELEPHONE SOLICITATIONS AND FOR CONSUMERS WHO ENTER INTO TELEMARKETING TRANSACTIONS, 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 872, A BILL TO BE ENTITLED AN ACT TO INCREASE PROTECTIONS FOR TELEPHONE SUBSCRIBERS WHO WISH TO STOP UNWANTED TELEPHONE SOLICITATIONS AND FOR CONSUMERS

July 18, 2003

WHO ENTER INTO TELEMARKETING TRANSACTIONS, House Committee Substitute Favorable 7/9/03, submit the following report:

The House and Senate agree to the following amendment to the House Committee Substitute, Third Edition Engrossed 7/9/03, 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 S872-PCCS55203-RC-6.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 18, 2003.

Conferees for the Senate

Conferees for the
House of Representatives

S/Scott Thomas, Chair
S/A. B. Swindell
S/Tom Apodaca

S/Drew P. Saunders, Chair
S/Harold Brubaker
Alice L. Bordsen
S/Julia C. Howard
S/Lorene T. Coates
S/Stephen A. LaRoque

The text of the attached Proposed Conference Committee Substitute S872-PCCS55203-RC-6 is as follows:

A BILL TO BE ENTITLED

AN ACT TO INCREASE PROTECTIONS FOR TELEPHONE SUBSCRIBERS WHO WISH TO STOP UNWANTED TELEPHONE SOLICITATIONS AND FOR CONSUMERS WHO ENTER INTO TELEMARKETING TRANSACTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 75-30 is repealed.

SECTION 2. G.S. 75-30.1 is repealed.

SECTION 3. Chapter 75 of the General Statutes is amended by adding a new Article to read:

"Article 4.

"Telephone Solicitations.

"§ 75-100. Findings.

The General Assembly finds all of the following:

- (1) The use of the telephone to market goods and services to the home is now pervasive due to the increased use of cost-effective telephone solicitation technologies and techniques.
- (2) While some consumers enjoy and benefit from telephone solicitations from legitimate telephone solicitors, many others object to these telephone solicitations as an intrusive invasion of their privacy in the home.

- (3) In addition, the proliferation of telephone solicitations, especially during the evening hours, creates a nuisance and a disturbance upon the home and family life of telephone subscribers during a time of day used by many families for traditional family activities.
- (4) North Carolina residents should have the freedom to choose whether or not to permit telephone solicitors to contact them.
- (5) Individual privacy rights, personal safety, prevention of fraud, and commercial freedom of speech and trade must be balanced in a way that protects the privacy of individuals and permits legitimate telephone solicitation practices.
- (6) Legitimate telephone solicitors have no interest in continuing to invade the privacy of those telephone subscribers who affirmatively express their desires to receive no further telephone solicitations.
- (7) Many telephone subscribers who have transacted business with firms that employ telephone solicitations have experienced problems with their checking and credit card accounts being debited before they can evaluate the terms and conditions of the transaction, before they can evaluate the merchandise or service to be delivered, or without their agreement to enter into the transaction or authorize such transactions in the first place. Other telephone subscribers have had unauthorized charges placed on their telephone bill and have had their long-distance carrier switched without their authorization as a result of telephone solicitations.
- (8) New technologies that make telephone solicitations more cost-effective also allow for the creation of a 'Do Not Call' Registry through which North Carolina consumers can easily register their desires not to receive further telephone solicitations and telephone solicitors can easily access and employ lists of consumers who have registered those desires.
- (9) The public interest requires an efficient mechanism for telephone subscribers to notify telephone solicitors that their telephone numbers cannot be called and additional protections for North Carolina residents who enter into consumer transactions initiated through telephone solicitations.

"§ 75-101. Definitions.

The following definitions apply in this Article:

- (1) Affiliate. – A business establishment, business, or other legal entity that wholly or substantially owns, is wholly or substantially owned by, or is under common ownership with a telephone solicitor.
- (2) Automatic dialing and recorded message player. – Any automatic equipment that incorporates a storage capability of telephone numbers to be called or a random or a sequential number generator capable of producing numbers to be called that, working alone or in conjunction with other equipment, disseminates a prerecorded message to the telephone number called.
- (3) 'Do Not Call' Registry. – The registry created and maintained by the Federal Trade Commission pursuant to the Telemarketing Sales Rule. It also means any other telemarketing registry created by the federal government, including the Federal Communications Commission. It

also means any registry created by the Attorney General pursuant to G.S. 75-102(n).

- (4) Doing business in this State. – To make or cause to be made any telephone solicitation to North Carolina telephone subscribers, whether the telephone solicitations are made from a location inside North Carolina or outside North Carolina.
- (5) Established business relationship. – A relationship between a seller and a consumer based on:
 - a. The consumer's purchase, rental, or lease of the seller's goods or services or a financial transaction between the consumer and the seller or one or more of its affiliates within the 18 months immediately preceding the date of a telephone solicitation; or
 - b. The consumer's inquiry or application regarding a product or service offered by the seller within the three months immediately preceding the date of a telephone solicitation.
- (6) Express invitation or permission. – Any invitation or permission that is registered by the telephone subscriber on an independent form and that contains the telephone number to which calls can be placed and the signature of the telephone subscriber. The form may be completed and signed electronically.
- (7) Person. – Any individual, business establishment, business, or other legal entity.
- (8) Telemarketing Sales Rule. – The federal regulation promulgated by the Federal Trade Commission, 16 C.F.R. Part 310 (January 29, 2003 Edition), as amended, to implement the Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 U.S.C. §§ 6101-6108, as amended.
- (9) Telephone solicitation. – A voice communication, whether prerecorded, live, or a facsimile, over a telephone line or wireless telephone network or via a commercial mobile radio service that is made by a telephone solicitor to a telephone subscriber for the purpose of soliciting or encouraging the purchase or rental of, or investment in, property, goods, or services; obtaining or providing information that will or may be used for that purpose; soliciting or encouraging a telephone subscriber's participation in any contest, sweepstakes, raffle, or lottery, whether legal or illegal; or obtaining a charitable donation. 'Telephone solicitation' also includes those transactions that are defined as 'telemarketing' under the Telemarketing Sales Rule.
- (10) Telephone solicitor. – Any individual, business establishment, business, or other legal entity doing business in this State that, directly or through salespersons or agents, makes or attempts to make telephone solicitations or causes telephone solicitations to be made. 'Telephone solicitor' also includes any party defined as a 'telemarketer' under the Telemarketing Sales Rule.
- (11) Telephone subscriber. – An individual who subscribes to a residential telephone service from a local exchange company, a competing local provider certified to do business in North Carolina, or a wireless

telephone company; or the individuals living or residing with that individual.

- (12) Unsolicited telephone call. – A voice communication, whether prerecorded, live, or a facsimile, over a telephone line or wireless telephone network or via a commercial mobile radio service that is made by a person to a telephone subscriber without prior express invitation or permission.

"§ 75-102. Restrictions on telephone solicitations.

(a) Except as provided in G.S. 75-103, no telephone solicitor shall make a telephone solicitation to a telephone subscriber's telephone number if the telephone subscriber's telephone number appears in the latest edition of the 'Do Not Call' Registry.

(b) No telephone solicitor shall make a telephone solicitation to a telephone subscriber's telephone number if the telephone subscriber previously has communicated to the telephone solicitor a desire to receive no further telephone solicitations from the telephone solicitor to that number.

(c) Any telephone solicitor who makes a telephone solicitation shall do all of the following:

- (1) At the beginning of the telephone solicitation, state clearly the identity of the telephone solicitor and identify the individual making the telephone solicitation.
- (2) Upon request, provide the telephone subscriber with the telephone number or address at which the telephone solicitor may be contacted.
- (3) If the telephone subscriber requests to be taken off the contact list of the telephone solicitor, the telephone solicitor shall take all steps necessary to remove the telephone subscriber's name and telephone number from the contact list of the telephone solicitor and stop calling the telephone subscriber within 30 business days.
- (4) If the telephone subscriber objects to the telephone solicitation, terminate the telephone solicitation and promptly disconnect from the telephone line of the person receiving the call.
- (5) Notwithstanding subdivision (3) of this subsection, if a telephone solicitor relies on the established business relationship of an affiliate to solicit a residential telephone subscriber whose telephone number is listed in the latest edition of the 'Do Not Call' Registry and the person called communicates a desire to receive no further telephone solicitations from the telephone solicitor, the telephone solicitor shall take all steps necessary to remove that telephone subscriber's telephone number from the contact lists of the telephone solicitor and that affiliate, unless the telephone subscriber indicates otherwise, and the telephone solicitor and that affiliate shall stop calling the telephone subscriber at that number within 60 business days.

(d) Every telephone solicitor shall implement systems and written procedures to prevent further telephone solicitations to any telephone subscriber who has asked not to be called again at a specific number or numbers or whose telephone number appears in the 'Do Not Call' Registry. Every telephone solicitor shall train, monitor, and enforce compliance by its employees and shall monitor and enforce compliance by its independent contractors in those systems and procedures. Every telephone solicitor shall ensure that lists of telephone numbers that may not be contacted by the

telephone solicitor are maintained and recorded. Compliance with the time requirements within the Telemarketing Sales Rule for incorporating and complying with updated versions of the 'Do Not Call' Registry shall constitute compliance with North Carolina law.

(e) Except as provided in G.S. 75-103, no telephone solicitor shall violate any requirement of section 310.3 of the Telemarketing Sales Rule (Deceptive telemarketing acts or practices), section 310.4 of the Telemarketing Sales Rule (Abusive telemarketing acts or practices), and section 310.5 of the Telemarketing Sales Rule (Record keeping requirements).

(f) No telephone solicitor shall make a telephone solicitation before 8:00 A.M. or after 9:00 P.M.

(g) A telephone solicitor shall inquire as to whether the telephone subscriber is under the age of 18. If the telephone subscriber purports to be less than 18 years of age, the telephone solicitor shall discontinue the call immediately. No inquiry is required where the solicitor has taken reasonable steps to remove all telephone contacts who are less than 18 years of age from its list of subscribers being contacted or can demonstrate that it does not target subscribers who are less than 18 years of age.

(h) No telephone solicitor shall engage in threats, intimidation, or the use of profane or obscene language.

(i) No telephone solicitor shall knowingly use any method to block or otherwise circumvent a telephone subscriber's use of a caller identification service. A telephone solicitor who makes a telephone solicitation through the use of a private branch exchange (PBX) or other call-generating system that is not capable of transmitting caller identification information shall not be in violation of this subsection. No provider of telephone caller identification services shall be held liable for violations of this subsection committed by other individuals or entities.

(j) A telephone solicitor or its agent that makes telephone solicitations on its behalf, provided that the telephone solicitor ensures compliance by its agent, shall keep a record for a period of 24 months from the date a telephone solicitation is made of the legal name, any fictitious name used, the resident address, the telephone number, and the job title of each individual who makes a telephone solicitation for that telephone solicitor. If an individual who makes telephone solicitations for a telephone solicitor uses a fictitious name, the fictitious name shall be traceable only to the specific individual.

(k) Nothing in this section prohibits a telephone solicitor from contacting by nontelephonic notice a telephone subscriber whose telephone number appears in the 'Do Not Call' Registry to obtain the telephone subscriber's express invitation or permission allowing the telephone solicitor to make telephone solicitations to the telephone subscriber. A telephone solicitor shall not contact a telephone subscriber by telephone to obtain this express invitation or permission.

(l) Nothing in this section prohibits a telephone solicitor from advertising in a general medium or contacting by nontelephonic notice a telephone subscriber whose telephone number appears in the 'Do Not Call' Registry to encourage the telephone subscriber to initiate telephone calls to the telephone solicitor. A telephone solicitor shall not contact a telephone subscriber by telephone to obtain this express invitation or permission.

(m) The Attorney General, in consultation with the Public Staff of the Public Utilities Commission, shall draft the contents of a bill insert that notifies consumers

of the existence of the 'Do Not Call' Registry and provides information to consumers on how to use it and the other provisions of this Article to object to receiving telephone solicitations. Local exchange companies shall distribute the insert pursuant to G.S. 62-54.

(n) In the event that the federal 'Do Not Call' Registry is not operational by January 1, 2004, or ceases to operate for any reason after January 1, 2004, the Attorney General may develop, operate, and maintain such a registry for the benefit of North Carolina telephone subscribers.

(o) In telephone solicitation transactions involving telephone subscribers, no contract or purchase agreement entered into during a telephone solicitation is valid, and no money from the prospective purchaser is due thereunder, unless all the following conditions are satisfied:

- (1) The contract and the sales representations that precede it are not deceptive or abusive telemarketing acts or practices as elaborated in sections 310.3 and 310.4 of the Telemarketing Sales Rule only to the extent that this Article requires telephone solicitors to comply with these regulations.
- (2) The telephone solicitor has complied with the record keeping requirements of section 310.5 of the Telemarketing Sales Rule only to the extent that this Article requires telephone solicitors to comply with these regulations.
- (3) The contract and the sales representations that precede it comply with all other applicable federal and State laws, including Article 1 of this Chapter.

"§ 75-103. Limited exceptions.

(a) G.S. 75-102(a) does not apply to any of the following telephone solicitations that are made:

- (1) To any telephone subscriber with the telephone subscriber's prior express invitation or permission.
- (2) To any telephone subscriber with whom the telephone solicitor has an established business relationship.
- (3) By or on behalf of a tax-exempt nonprofit organization.
- (4) By or on behalf of a telephone solicitor that employs fewer than 10 full-time or part-time direct employees, the telephone solicitations are made by the direct employees, and the direct employees collectively make or attempt to make no more than an average of 10 telephone solicitations to telephone subscribers per week during a calendar year.
- (5) To any telephone subscriber for the sole purpose of arranging a subsequent face-to-face meeting between the telephone solicitor and the telephone subscriber and the telephone solicitor does none of the following during the telephone solicitation:
 - a. Seek payment from the telephone subscriber in connection with the sale or rental of, or investment in, property, goods, or services.
 - b. Complete the sale or rental of, or investment in, property, goods, or services.
 - c. Obtain provisional acceptance of a sale, rental, or investment.

- d. Obtain the agreement of the telephone subscriber to participate in any contest, sweepstakes, raffle, or lottery.
- e. Directly following the telephone solicitation, go or cause an individual to go to the telephone subscriber to collect a payment or deliver any item purchased.

(6) By a person primarily soliciting the sale of a subscription for a newspaper of general circulation.

(b) G.S. 75-102(c)(3), 75-102(d), 75-102(g), and 75-102(j) do not apply to any telephone solicitations described in G.S. 75-103(a)(1), (2), (3), (4), and (5).

(c) G.S. 75-102(e) does not apply to any of the telephone solicitations described in subdivisions (a)(4) and (a)(5) of this section.

(d) G.S. 75-102(e) does not apply to any of the telephone solicitations described in subdivisions (a)(1), (a)(2), and (a)(3) of this section, except that these types of telephone solicitations shall comply with sections 310.3(a)(2), (a)(3), and (a)(4), 310.3(c), 310.3(d), 310.4(a), 310.4(b)(1)(i) and (iv), (b)(2), (b)(3), and (b)(4), and 310.4(e) of the Telemarketing Sales Rule.

(e) In any dispute regarding whether a telephone subscriber has provided an express invitation or permission under subsection (a) of this section, the telephone solicitor has the burden of proving that the telephone subscriber has provided this permission by producing the original document, a facsimile document, or an electronic form, signed by the telephone subscriber, or other authentication that evidences permission. A telephone subscriber may subsequently retract express invitation or permission by indicating a desire not to receive further telephone solicitations under G.S. 75-102(b).

"§ 75-104. Restrictions on use of automatic dialing and recorded message players.

(a) Except as provided in this section, no person may use an automatic dialing and recorded message player to make an unsolicited telephone call.

(b) Notwithstanding subsection (a) of this section, a person may use an automatic dialing and recorded message player to make an unsolicited telephone call only under one or more of the following circumstances:

- (1) All of the following are satisfied:
 - a. The person making the call is any of the following:
 - 1. A tax-exempt charitable or civic organization.
 - 2. A political party or political candidate.
 - 3. A governmental official.
 - 4. An opinion polling organization, radio station, television station, cable television company, or broadcast rating service conducting a public opinion poll.
 - b. No part of the call is used to make a telephone solicitation.
 - c. The person making the call clearly identifies the person's name and contact information and the nature of the unsolicited telephone call.
- (2) Prior to the playing of the recorded message, a live operator complies with G.S. 75-102(c), states the nature and length in minutes of the recorded message, and asks for and receives prior approval to play the recorded message from the person receiving the call.

- (3) The unsolicited telephone call is in connection with an existing debt or contract for which payment or performance has not been completed at the time of the unsolicited telephone call.
- (4) The unsolicited telephone call is placed by a person with whom the telephone subscriber has made an appointment, provided that the call is conveying information only about the appointment, or by a utility, telephone company, cable television company, satellite television company, or similar entity for the sole purpose of conveying information or news about network outages, repairs or service interruptions, and confirmation calls related to restoration of service.
- (5) The person plays the recorded message in order to comply with section 16 C.F.R. Part 310.4(b)(4) of the Telemarketing Sales Rule.

"§ 75-105. Enforcement.

(a) The Attorney General may investigate any complaints received alleging violation of this Article. If the Attorney General finds that there has been a violation of this Article, the Attorney General may bring an action to impose civil penalties and to seek any other appropriate relief pursuant to this Chapter, including equitable relief to restrain the violation. If the Attorney General brings an action on behalf of telephone subscribers pursuant to subsection (b) of this section, the Attorney General may not seek treble damages on behalf of telephone subscribers pursuant to G.S. 75-16. Actions for civil penalties under this section shall be consistent with the provisions of this Chapter except that the penalty imposed for a violation of this Article shall be either of the following:

- (1) Five hundred dollars (\$500.00) for the first violation, one thousand dollars (\$1,000) for the second violation, and five thousand dollars (\$5,000) for the third and any other violation that occurs within two years of the first violation.
- (2) One hundred dollars (\$100.00) for each violation within two years of the first violation, if the solicitor can show that the violations are the result of a mistake and the telephone solicitor either made the telephone solicitation under G.S. 75-103(a)(1), (2), (3), (4), and (5), or can show that the telephone solicitor complied with G.S. 75-102(d).

(b) A telephone subscriber who has received a telephone solicitation from or on behalf of a telephone solicitor in violation of this Article may bring any of the following actions in civil court:

- (1) An action to enjoin further violations of this Article by the telephone solicitor.
- (2) An action to recover five hundred dollars (\$500.00) for the first violation, one thousand dollars (\$1,000) for the second violation, and five thousand dollars (\$5,000) for the third and any other violation that occurs within two years of the first violation.

(c) No action may be brought under subsection (b) of this section if the violations are a result of mistake and the telephone solicitor either made the telephone solicitation under G.S. 75-103(a)(1), (2), (3), (4), and (5), or can show that the telephone solicitor complied with G.S. 75-102(d).

(d) In an action brought pursuant to this Article, the court may award a prevailing plaintiff reasonable attorneys' fees if the court finds the defendant willfully engaged in the act or practice, and the court may award reasonable attorneys' fees to a

prevailing defendant if the court finds that the plaintiff knew, or should have known, that the action was frivolous and malicious.

(e) A citizen of this State may also bring an action in civil court to enforce the private rights of action established by federal law under 47 U.S.C. § 227(b)(3) and 47 U.S.C. § 227(c)(5).

(f) Actions brought by telephone subscribers pursuant to this section shall be tried in the county where the plaintiff resides at the time of the commencement of the action."

SECTION 4. G.S. 75-102(i), as enacted in Section 3 of this act, reads as rewritten:

"(i) No telephone solicitor shall knowingly use any method to block or otherwise circumvent a telephone subscriber's use of a caller identification service. ~~A telephone solicitor who makes a telephone solicitation through the use of a private branch exchange (PBX) or other call generating system that is not capable of transmitting caller identification information shall not be in violation of this subsection.~~ No provider of telephone caller identification services shall be held liable for violations of this subsection committed by other individuals or entities."

SECTION 5. G.S. 62-54 reads as rewritten:

"§ 62-54. Notification of opportunity to object to telephone solicitation.

The Commission shall require each local exchange company and each competing local provider certified to do business in North Carolina to notify all ~~persons~~ telephone subscribers who subscribe to residential service from that company of the provisions of ~~G.S. 75-30.1, Article 4 of Chapter 75 of the General Statutes and~~ of the federal laws and regulations allowing consumers to object to receiving telephone solicitations, ~~and of programs made available by private industry that allow consumers to have their names removed from telemarketing lists, by enclosing that information, by enclosing a bill insert, drafted pursuant to G.S. 75-102(m),~~ at least annually, in ~~every at least one~~ every at least one telephone bill mailed to ~~customers, every residential customer.~~ The Commission shall also ensure that this information is printed in a clear, conspicuous manner in the consumer information pages of each telephone directory distributed to residential customers."

SECTION 6. Should one or more of the terms or provisions of this act or any application thereof be held or declared unenforceable or invalid to any extent, the remainder of this act, and the applications thereof that have not been held or declared unenforceable or invalid, shall remain in effect. In the specific event that the provisions of G.S. 75-102, 75-103, 75-104, or 75-105 as enacted in Section 3 of this act, are declared to be preempted or otherwise unenforceable in relation to interstate telephone calls, those provisions shall remain in force and effect with respect to intrastate telephone calls.

SECTION 7. Consistent with protected speech rights of businesses that engage in telephone solicitations, the provisions of this act shall be given broad construction so as to protect telephone subscribers from unwanted telephone solicitations and from problematic sales techniques and payment procedures often associated with these solicitations.

SECTION 8. Section 4 of this act becomes effective January 1, 2006. G.S. 62-54, as amended by Section 5 of this act, applies to all telephone directories printed on or after January 1, 2004. All other sections of this act become effective October 1, 2003, and apply to telephone solicitations made on or after that date.

The Conference Report is placed on the Calendar for tomorrow, Saturday, July 19, for adoption.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 860 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE REGISTRATION REQUIREMENTS AND FEES TO ENGAGE IN CERTAIN ACTIVITIES WITH CONTROLLED SUBSTANCES.

Referred to **Finance Committee**.

Upon the appearance of Senator Queen in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

RECALL FROM ENGROSSING

H.B. 674 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES, ordered engrossed earlier today.

Having voted with the majority, Senator Rand offers a motion that the Senate Committee Substitute bill, as amended, be recalled from the Engrossing Office and placed before the Senate for immediate consideration, which motion prevails. Senator Rand further moves that the vote by which the Committee Substitute bill, as amended, passed its third reading be reconsidered, which motion prevails (34-0). The question before the Body is the passage of H.B. 674 on its third reading.

Senator Clodfelter offers Amendment No. 6 which is adopted (35-0).

The Senate Committee Substitute bill, as amended, passes its third reading (35-0) 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 Basnight, seconded by Senator Soles, the Senate adjourns at 8:00 P.M. subject to receipt of messages from the House of Representatives, committee reports and conference reports, to meet tomorrow, Saturday, July 19, at 10:00 A.M.

ONE HUNDRED FIRST DAY

Senate Chamber
Saturday, July 19, 2003

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 Inskeep, Associate Pastor, First Presbyterian Church, Raleigh, NC as follows:

"In reading the newspaper accounts of this legislative session, it seems to me that
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almost every decision involves money. There is a great nugget of wisdom concerning money in the book of Proverbs. Proverbs 30-8 says 'Give me neither poverty nor riches.' This little prayer essentially asks God to grant us the food we need for the day, but not to make us too wealthy, because if I don't have enough to eat, I might be tempted to break the commandments and steal bread. But if I have too much, I might get the big head and say 'Who needs God.' Good wisdom in that proverb-give me neither poverty nor riches.

"Gracious God, you indeed give us our daily bread, all that we need, and gracious plenty more. We pray for the tools to finish the work week before the Senate and ask your blessing on the people of our State, that each one may have his daily bread, the essentials of life, and be able to provide for his family. For all the many blessings of the 'goodliest lane,' we give You thanks. Amen."

The Chair grants leaves of absence for today to Senator Bingham, Senator Carrington, Senator Forrester, Senator Garwood, Senator Holloman and Senator Shaw.

Senator Basnight, President Pro Tempore, announces that the Journal of yesterday, Friday, 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.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 35, AN ACT TO AUTHORIZE CLOVER GARDEN CHARTER SCHOOL TO ELECT TO PARTICIPATE IN THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, TO AUTHORIZE THE STATE BOARD OF EDUCATION TO GRANT OR RENEW CHARTERS FOR CHARTER SCHOOLS FOR PERIODS UP TO TEN YEARS, TO REQUIRE THE STATE BOARD OF EDUCATION TO REVIEW THE OPERATIONS OF CHARTER SCHOOLS AT LEAST EVERY FIVE YEARS, AND TO MODIFY THE AUTHORITY OF THE DUPLIN BOARD OF COUNTY COMMISSIONERS TO REQUIRE THE REGISTER OF DEEDS IN THE COUNTY NOT TO ACCEPT ANY DEED TRANSFERRING REAL PROPERTY FOR REGISTRATION UNLESS THE COUNTY TAX COLLECTOR CERTIFIES THAT NO DELINQUENT TAXES ARE DUE ON THAT PROPERTY.

S.B. 701, AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL EMPLOYEES.

H.B. 786, AN ACT TO AMEND LIABILITY RULES THAT APPLY TO CIVIL PARKING, RED LIGHT CAMERA, AND PHOTOGRAPHIC SPEED-MEASURING SYSTEM ENFORCEMENT ACTIONS.

H.B. 986, AN ACT TO REQUIRE A MOTOR VEHICLE INSURER TO DISCLOSE ANY FINANCIAL INTEREST IN A RECOMMENDED REPAIR

FACILITY OR SERVICE AND REQUIRING AN INSURER TO DISCLOSE THE USE OF NONORIGINAL CRASH REPAIR PARTS OR NONORIGINAL AUTO GLASS FOR MOTOR VEHICLE REPAIRS.

H.B. 1126, AN ACT ESTABLISHING COLLABORATIVE LAW PROCEDURES UNDER CHAPTER 50 OF THE GENERAL STATUTES WHEREBY PARTIES SEEKING A DIVORCE AND THEIR ATTORNEYS MAY SETTLE THEIR DISPUTES BY WRITTEN AGREEMENT WITH LIMITED JUDICIAL INTERVENTION.

H.B. 1194, AN ACT TO CREATE THE "E-NC" AUTHORITY TO CONTINUE THE WORK OF THE RURAL INTERNET ACCESS AUTHORITY.

H.B. 1257, AN ACT AMENDING VARIOUS PROVISIONS OF THE RESPIRATORY CARE PRACTICE ACT.

And the following resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 416, A JOINT RESOLUTION SETTING THE DATE FOR THE SENATE AND THE HOUSE OF REPRESENTATIVES TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES. (Res. 29)

BILLS ORDERED SENT TO THE GOVERNOR

With unanimous consent, upon motion of Senator Rand, all bills ordered sent to the Governor, Thursday, July 17, through the end of the 2003 Regular Session will be sent by special message.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 328 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REVISING REAL ESTATE LICENSING EXAMINATION PROCEDURES, CLARIFYING CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE LICENSEES, AND ENABLING THE REAL ESTATE COMMISSION TO PERMIT LIMITED COMMERCIAL PRACTICE BY NONRESIDENT REAL ESTATE BROKERS, 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, Apodaca, Basnight, Berger, Blake, Brock, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Foxx, Garrou, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—39.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

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S.B. 944 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SALES TAX REFUNDS FOR CONSTRUCTION MATERIALS FOR AIRCRAFT AND MOTOR VEHICLE MANUFACTURING FACILITIES, PHARMACEUTICAL AND BIOPROCESSING FACILITIES, AND SEMICONDUCTOR MANUFACTURING FACILITIES, AND TO EXPAND THE MEMBERSHIP OF THE REVENUE LAWS STUDY COMMITTEE.

The Committee Substitute bill passes its second (40-4) and third readings and is ordered sent to the House of Representatives by special message.

H.B. 1303 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT ATHLETIC CONTESTS SPONSORED BY INCOME TAX EXEMPT PERSONS FROM THE AMUSEMENTS PRIVILEGE TAX, as amended by the Finance Committee.

Senator Hoyle offers a motion that the Committee Substitute bill be withdrawn from today's regular Calendar and placed on today's Supplemental Calendar.

CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 819** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING THE SALE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC DISTRICT, 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 819, A BILL TO BE ENTITLED AN ACT REGARDING THE SALE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC DISTRICT, House Committee Substitute Favorable 7/10/03, submit the following report:

The Senate concurs in the House Committee Substitute with the following amendment:

On page 2, line 29, lines 30-31, by rewriting those lines to read:

- "(3) The next five million dollars (\$5,000,000) of the funds shall be placed in a special trust fund in the Department of State Treasurer, hereinafter to be held in trust and used solely for the upkeep, repair, and maintenance of the Executive Mansion. The State Treasurer, as custodian of the special trust fund, shall authorize the use of interest earned by the special trust fund only for such purposes as approved by the Executive Mansion Fine Arts Committee. The duties of the Committee under this section are in addition to those provided by G.S. 143B-79. The Executive Mansion Fine Arts Committee shall report to the Joint Legislative Commission on Governmental Operations any expenditures within 30 days of approving them. The principal may not be used for any purpose.
- (4) The remainder not needed under subdivisions (1) through (3) of this section shall be placed in the General Fund."

And the House agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 19, 2003.

Conferees for the Senate

S/Tony Rand, Chair
S/Tom Apodaca
S/Stephen Metcalf
S/Eric Reeves
S/Vernon Malone

Conferees for the
House of Representatives

David M. Miner, Chair
S/Deborah Ross
S/Don Munford
S/William C. Owens, Jr.
S/William T. Culpepper, III

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed on today's Supplemental Calendar for adoption.

CALENDAR (*continued*)

H.B. 932 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING REGIONAL INTERAGENCY COORDINATING COUNCILS UNDER THE LAWS RELATING TO EARLY INTERVENTION SERVICES FOR CHILDREN FROM BIRTH TO FIVE YEARS OF AGE WITH DISABILITIES.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 566 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROVE IN PART AND DISAPPROVE IN PART THE ADMINISTRATIVE RULE RECLASSIFICATION BY THE ENVIRONMENTAL MANAGEMENT COMMISSION OF PORTIONS OF SWIFT CREEK AND SANDY CREEK IN THE TAR-PAMLICO RIVER BASIN.

Senator Swindell offers Amendment No. 1 which is adopted (44-0).

The Senate Committee Substitute bill, as amended, passes its third reading (43-1) and is ordered engrossed, and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

S.B. 61 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BRING STATE LAW INTO COMPLIANCE WITH RECENTLY ADOPTED FEDERAL REGULATIONS CONCERNING THE EFFECT OF VIOLATION OF RAILROAD CROSSING SAFETY AND OTHER STATE LAWS ON COMMERCIAL DRIVERS LICENSES, AND REQUIRING A NEW "S" ENDORSEMENT FOR PERSONS OPERATING SCHOOL BUSES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, AND TO AUTHORIZE A STUDY OF THE NEED FOR A MOPED IDENTIFICATION TAG PROGRAM, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Gulley, the Senate concurs in the House Committee

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Substitute bill (44-0) and the measure is ordered enrolled and sent to the Governor by special message.

S.B. 168 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CREATION OF ECONOMIC DEVELOPMENT AND TRAINING DISTRICTS, for concurrence in House Amendment No. 1.

Upon motion of Senator Smith, the Senate concurs in House Amendment No. 1 (44-0) and the measure is ordered enrolled and sent to the Governor by special message.

S.B. 725 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PERMIT CITIES AND COUNTIES TO INCUR OBLIGATIONS TO FINANCE THE PUBLIC PORTION OF CERTAIN ECONOMIC DEVELOPMENT PROJECTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill on its second reading by a three-fifths majority vote (42-2) as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Blake, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaid, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—42.

Voting in the negative: Senators Brock and Webster—2.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill on its third reading by a three-fifths majority vote (40-2) as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Blake, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaid, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—40.

Voting in the negative: Senators Brock and Webster—2.

The House Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

S.B. 872 (Conference Report), A BILL TO BE ENTITLED AN ACT TO INCREASE PROTECTIONS FOR TELEPHONE SUBSCRIBERS WHO WISH TO STOP UNWANTED TELEPHONE SOLICITATIONS AND FOR CONSUMERS WHO ENTER INTO TELEMARKETING TRANSACTIONS, for adoption.

Upon motion of Senator Thomas, the Senate adopts the Conference Report (43-0).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

H.B. 440 (Conference Report), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WENTWORTH TO EXEMPT AGRICULTURAL LAND USES WITHIN THAT JURISDICTION FROM ZONING, for adoption.

Upon motion of Senator Berger, the Senate adopts the Conference Report (43-0).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives
July 19, 2003

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 440 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF WENTWORTH TO EXEMPT AGRICULTURAL LAND USES WITHIN THAT JURISDICTION FROM ZONING.

When a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

House of Representatives
July 19, 2003

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 872 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE PROTECTIONS FOR TELEPHONE SUBSCRIBERS WHO WISH TO STOP UNWANTED TELEPHONE SOLICITATIONS AND FOR CONSUMERS WHO ENTER INTO TELEMARKETING TRANSACTIONS.

When a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report earlier today, the President orders the bill enrolled and sent to the Governor by special message.

ELECTION OF MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES

Pursuant to a report received from the **Education/Higher Education Committee** yesterday, Friday, July 18, the Committee places in nomination the names of Dr.

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Linwood Warren Powell and Anne-Marie Knighton for a six-year term on the State Board of Community Colleges effective July 1, 2003, and ending June 30, 2009.

Senator Metcalf is recognized and outlines the procedures to be followed and announces that pursuant to G.S. 115D-2.1(b)(4)f., no further nominations shall be received.

The President orders the Reading Clerk to call the roll and directs the Members to vote "aye" or "no" for Dr. Linwood Warren Powell.

Members voting for Dr. Linwood Warren Powell are as follows: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Blake, Brock, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, and Weinstein-44.

Those voting against Dr. Linwood Warren Powell are as follows: None.

The President orders the Reading Clerk to call the roll and directs the members to vote "aye" or "no" for Anne-Marie Knighton.

Members voting for Anne-Marie Knighton are as follows: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Blake, Brock, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, and Weinstein-44.

Those voting against Anne-Marie Knighton are as follows: None.

In compliance with G.S. 115-2.1(b)(4)f., the election of Dr. Linwood Warren Powell and Anne-Marie Knighton for a six-year term beginning July 1, 2003, and expiring June 30, 2009, is confirmed by an electronically recorded vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Ballantine, Basnight, Berger, Blake, Brock, Carpenter, Dalton, Dannelly, Dorsett, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Horton, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, and Weinstein-42.

Voting in the negative: None.

The President declares Dr. Linwood Warren Powell and Anne-Marie Knighton elected to the State Board of Community Colleges for a six-year term effective July 1, 2003, and ending June 30, 2009.

The President extends congratulations to Dr. Powell and Ms. Knighton.

The President orders a message sent to the House of Representatives.

The Senate recesses at 11:32 A.M. to reconvene at 3:00 P.M., subject to reading of Messages from the House of Representatives, receipt of Committee Reports, Conference Reports, and ratification of bills.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives
July 19, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that Representatives Cole and Wright have been added as conferees to SB 750 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CEILING THAT A SMALL BREWERY MAY PRODUCE WITHOUT BEING REQUIRED TO GO THROUGH A MALT BEVERAGE DISTRIBUTOR.

Respectfully,
S/Denise Weeks
Principal Clerk

House of Representatives
July 19, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to HR 1336, A HOUSE RESOLUTION ELECTING ESTELLE LEE AND JAMES DANIELS TO THE STATE BOARD OF COMMUNITY COLLEGES, the House of Representatives has confirmed Estelle Lee and James Daniels to serve on the State Board of Community Colleges for a term of six years beginning July 1, 2003, and ending June 30, 2009.

Respectfully,
S/Denise Weeks
Principal Clerk

S.B. 661 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A LOCAL CONFINEMENT FACILITY TRANSFERS A PRISONER TO ANOTHER LOCAL CONFINEMENT FACILITY THE TRANSFERRING FACILITY PROVIDES TO THE RECEIVING FACILITY HEALTH INFORMATION ABOUT THE TRANSFERRED PRISONER; AND TO MAKE CHANGES TO THE EMERGENCY MEDICAL SERVICES ACT, AND TO CREATE THE OFFENSE OF ARSON OR OTHER UNLAWFUL BURNINGS THAT RESULT IN SERIOUS INJURY TO A FIREFIGHTER OR EMERGENCY MEDICAL TECHNICIAN, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill is placed on today's Supplemental Calendar for concurrence.

S.B. 867 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF ARSON OR OTHER UNLAWFUL BURNINGS THAT RESULT IN SERIOUS INJURY TO A FIREFIGHTER AND TO INCREASE THE CRIMINAL PENALTY FOR DAMAGING A PUBLIC BUILDING WITH AN EXPLOSIVE OR INCENDIARY DEVICE OR MATERIAL AND TO ESTABLISH THE HONORARY LISTON B. RAMSEY MOUNTED

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HORSE/CAISSON PATROL UNIT, for concurrence in House Committee Substitute bill No. 3.

Upon motion of Senator Rand, the House Committee Substitute bill No. 3 is placed on today's Supplemental Calendar for concurrence.

H.B. 224 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF KANNAPOLIS.

Referred to **Finance Committee**.

H.B. 96, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AVERY COUNTY TO LEVY AN OCCUPANCY TAX IN A TAX DISTRICT COMPRISING THE UNINCORPORATED AREAS OF THE COUNTY.

Referred to **Finance Committee**.

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. 860 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE REGISTRATION REQUIREMENTS AND FEES TO ENGAGE IN CERTAIN ACTIVITIES WITH CONTROLLED SUBSTANCES, with a favorable report.

Upon motion of Senator Hoyle, the rules are suspended and the Committee Substitute bill No. 2 is placed on today's Supplemental Calendar.

H.B. 1241 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE REINSTATEMENT OF THE TWENTY PERCENT UNEMPLOYMENT INSURANCE SURTAX, with a favorable report.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on today's Supplemental Calendar.

By Senator Rand for the **Rules and Operations of the Senate Committee**:

S.B. 63, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55208, which changes the title to read **S.B. 63** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE CHANGES TO THE ADVISORY COMMISSION ON MILITARY AFFAIRS, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on today's Supplemental Calendar.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Horton.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 61, AN ACT TO BRING STATE LAW INTO COMPLIANCE WITH RECENTLY ADOPTED FEDERAL REGULATIONS CONCERNING THE EFFECT OF VIOLATION OF RAILROAD CROSSING SAFETY AND OTHER STATE LAWS ON COMMERCIAL DRIVERS LICENSES, AND REQUIRING A NEW "S" ENDORSEMENT FOR PERSONS OPERATING SCHOOL BUSES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, AND TO AUTHORIZE A STUDY OF THE NEED FOR A MOPED IDENTIFICATION TAG PROGRAM.

S.B. 168, AN ACT TO PROVIDE FOR THE CREATION OF ECONOMIC DEVELOPMENT AND TRAINING DISTRICTS.

S.B. 725, AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PERMIT CITIES AND COUNTIES TO INCUR OBLIGATIONS TO FINANCE THE PUBLIC PORTION OF CERTAIN ECONOMIC DEVELOPMENT PROJECTS.

H.B. 328, AN ACT REVISING REAL ESTATE LICENSING EXAMINATION PROCEDURES, CLARIFYING CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE LICENSEES, AND ENABLING THE REAL ESTATE COMMISSION TO PERMIT LIMITED COMMERCIAL PRACTICE BY NONRESIDENT REAL ESTATE BROKERS.

H.B. 694, AN ACT TO DESIGNATE THE ASHEBORO MUNICIPAL AIRPORT AS THE OFFICIAL LOCATION OF THE NORTH CAROLINA AVIATION HALL OF FAME AND THE NORTH CAROLINA AVIATION MUSEUM AND TO DESIGNATE THE WILMINGTON INTERNATIONAL AIRPORT AS THE OFFICIAL LOCATION OF THE NORTH CAROLINA MUSEUM OF AVIATION.

H.B. 932, AN ACT ESTABLISHING REGIONAL INTERAGENCY COORDINATING COUNCILS UNDER THE LAWS RELATING TO EARLY INTERVENTION SERVICES FOR CHILDREN FROM BIRTH TO FIVE YEARS OF AGE WITH DISABILITIES.

H.B. 972, AN ACT TO ALLOW AN INTERNET-BASED ALTERNATIVE TO

PROPERTY TAX CERTIFICATION PROCEDURES.

H.B. 1182, AN ACT TO EXPAND THE USURY EXEMPTION.

And the following resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 327, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENT OF JOSEPH A. SMITH, JR. AS COMMISSIONER OF BANKS. (Res. 30)

SUPPLEMENTAL CALENDAR

Bills on today's Supplemental Calendar are taken up and disposed of, as follows:

S.B. 63 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE CHANGES TO THE ADVISORY COMMISSION ON MILITARY AFFAIRS.

Upon motion of Senator Rand, the President orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 860 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE REGISTRATION REQUIREMENTS AND FEES TO ENGAGE IN CERTAIN ACTIVITIES WITH CONTROLLED SUBSTANCES.

The Committee Substitute bill No. 2 passes its second (43-0) and third readings and is ordered enrolled and sent to the Governor by special message.

S.B. 63 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE CHANGES TO THE ADVISORY COMMISSION ON MILITARY AFFAIRS, temporarily displaced earlier.

Senator Rand offers Amendment No. 1 which is adopted (42-0).

The Committee Substitute bill, as amended, passes its second (42-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

H.B. 1241 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE REINSTATEMENT OF THE TWENTY PERCENT UNEMPLOYMENT INSURANCE SURTAX.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 1303 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT ATHLETIC CONTESTS SPONSORED BY INCOME TAX EXEMPT PERSONS FROM THE AMUSEMENTS PRIVILEGE TAX, as amended by the Finance Committee.

Senator Hoyle offers Amendment No. 2 which is adopted (43-0).

The Committee Substitute bill, as amended, passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in Senate Amendments No. 1 and No. 2.

S.B. 661 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A LOCAL CONFINEMENT FACILITY TRANSFERS A PRISONER TO ANOTHER LOCAL CONFINEMENT FACILITY THE TRANSFERRING FACILITY PROVIDES TO THE RECEIVING FACILITY HEALTH INFORMATION ABOUT THE TRANSFERRED PRISONER; AND TO MAKE CHANGES TO THE EMERGENCY MEDICAL SERVICES ACT, AND TO CREATE THE OFFENSE OF ARSON OR OTHER UNLAWFUL BURNINGS THAT RESULT IN SERIOUS INJURY TO A FIREFIGHTER OR EMERGENCY MEDICAL TECHNICIAN.

Upon motion of Senator Hagan, the President orders, without objection, the House Committee Substitute bill temporarily displaced.

S.B. 867 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF ARSON OR OTHER UNLAWFUL BURNINGS THAT RESULT IN SERIOUS INJURY TO A FIREFIGHTER AND TO INCREASE THE CRIMINAL PENALTY FOR DAMAGING A PUBLIC BUILDING WITH AN EXPLOSIVE OR INCENDIARY DEVICE OR MATERIAL AND TO ESTABLISH THE HONORARY LISTON B. RAMSEY MOUNTED HORSE/CAISSON PATROL UNIT, for concurrence in the House Committee Substitute bill No. 3.

Upon motion of Senator Hagan, the Senate fails to concur in the House Committee Substitute bill No. 3 (1-42).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 819 (Conference Report), A BILL TO BE ENTITLED AN ACT REGARDING THE SALE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC DISTRICT, for adoption.

Upon motion of Senator Rand, the Senate adopts the Conference Report (43-0).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

H.B. 855 (Conference Report), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR A PERSONALIZED REGISTRATION PLATE BY TEN DOLLARS AND TO CREDIT THE INCREASED FEE REVENUE TO THE NATURAL HERITAGE TRUST FUND AND THE PARKS AND RECREATION TRUST FUND, TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY VARIOUS ISSUES RELATED TO SPECIAL REGISTRATION PLATES, TO ALLOW THE NC COASTAL FEDERATION SPECIAL PLATE TO HAVE A DIFFERENT PLATE BACKGROUND, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: ALTERNATIVE FUEL VEHICLES, BE ACTIVE NC, BLUE RIDGE PARKWAY FOUNDATION, BREAST CANCER AWARENESS, BUFFALO SOLDIERS, CELEBRATE ADOPTION, CRYSTAL COAST ARTIFICIAL REEF

ASSOCIATION, DELTA SIGMA THETA SORORITY, FRATERNAL ORDER OF POLICE, FRIENDS OF THE APPALACHIAN TRAIL, MOTHERS AGAINST DRUNK DRIVING, POW/MIA, RED HAT SOCIETY, RETIRED LAW ENFORCEMENT OFFICERS, SURVEYORS, AND ZETA PHI BETA SORORITY, for adoption.

Upon motion of Senator Queen, the Senate adopts the Conference Report (42-1).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

The Chair grants a leave of absence for the remainder of today's session to Senator Tillman.

DISMISSAL OF CONFEREES

S.B. 750 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CEILING THAT A SMALL BREWERY MAY PRODUCE WITHOUT BEING REQUIRED TO GO THROUGH A MALT BEVERAGE DISTRIBUTOR.

Upon motion of Senator Hagan, the President *Pro Tempore* dismisses the Senate Conferees appointed on July 18, to resolve the differences in the House Committee Substitute bill.

RECONSIDERATION

S.B. 750 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CEILING THAT A SMALL BREWERY MAY PRODUCE WITHOUT BEING REQUIRED TO GO THROUGH A MALT BEVERAGE DISTRIBUTOR.

Having voted with the majority, Senator Hagan offers a motion that the vote by which the Senate failed to concur in the House Committee Substitute bill on July 18, be reconsidered, which motion prevails (42-0).

The question before the body becomes the concurrence in the House Committee Substitute bill.

Upon motion of Senator Hagan, the Senate concurs in the House Committee Substitute bill (42-0), and the measure is ordered enrolled and sent to the Governor by special message.

The Senate recesses at 4:15 P.M. to reconvene at 6:00 P.M., subject to reading of Messages from the House of Representatives, receipt of Committee Reports, Conference Reports and ratification of bills.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 754 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE QUALIFICATIONS FOR PERSONS NOMINATED AS MAGISTRATES, 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 80359, which changes the title to read **H.B. 754** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PLACE A MORATORIUM UNTIL DECEMBER 31, 2004, ON THE ENACTMENT OF NEW OR EXPANDED ORDINANCES AMORTIZING OFF PREMISES OUTDOOR ADVERTISING BY LOCAL GOVERNMENTS, AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE ISSUE, is adopted and engrossed.

Upon motion of Senator Clodfelter, the rules are suspended and the Committee Substitute bill is placed on today's Supplemental Calendar.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Hagan.

SUPPLEMENTAL CALENDAR *(continued)*

S.B. 661 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A LOCAL CONFINEMENT FACILITY TRANSFERS A PRISONER TO ANOTHER LOCAL CONFINEMENT FACILITY THE TRANSFERRING FACILITY PROVIDES TO THE RECEIVING FACILITY HEALTH INFORMATION ABOUT THE TRANSFERRED PRISONER; AND TO MAKE CHANGES TO THE EMERGENCY MEDICAL SERVICES ACT, AND TO CREATE THE OFFENSE OF ARSON OR OTHER UNLAWFUL BURNINGS THAT RESULT IN SERIOUS INJURY TO A FIREFIGHTER OR EMERGENCY MEDICAL TECHNICIAN, for concurrence in the House Committee Substitute bill, temporarily displaced earlier.

Upon motion of Senator Reeves, the Senate fails to concur in the House Committee Substitute bill (0-40).

Senator Reeves offers a motion that the Senate appoint conferees, which motion prevails.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 661 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A LOCAL CONFINEMENT FACILITY TRANSFERS A PRISONER TO ANOTHER LOCAL CONFINEMENT FACILITY THE TRANSFERRING FACILITY PROVIDES TO THE RECEIVING FACILITY HEALTH INFORMATION ABOUT THE TRANSFERRED PRISONER; AND TO MAKE CHANGES TO THE EMERGENCY MEDICAL SERVICES ACT, AND TO CREATE THE OFFENSE OF ARSON OR OTHER UNLAWFUL BURNINGS THAT RESULT IN SERIOUS INJURY TO A FIREFIGHTER OR EMERGENCY

MEDICAL TECHNICIAN.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 661 earlier today, and the motion by Senator Reeves to appoint conferees having prevailed, Senator Basnight President *Pro Tempore*, announces the appointment of Senator Reeves, Chair, Senator Clodfelter and Senator Hartsell 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.

SUPPLEMENTAL CALENDAR (continued)

H.B. 754 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PLACE A MORATORIUM UNTIL DECEMBER 31, 2004, ON THE ENACTMENT OF NEW OR EXPANDED ORDINANCES AMORTIZING OFF PREMISES OUTDOOR ADVERTISING BY LOCAL GOVERNMENTS, AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE ISSUE, placed earlier on today's Supplemental Calendar.

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 Senate recesses at 6:40 P.M. to reconvene at 10:00 P.M., subject to reading of Messages from the House of Representatives, receipt of Committee Reports, Conference Reports and appointment of conferees.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives
July 19, 2003

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 855 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR A SPECIAL REGISTRATION PLATE AND TO CREDIT THE INCREASED FEE REVENUE TO THE NATURAL HERITAGE TRUST FUND AND THE PARKS AND RECREATION TRUST FUND, TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE NUMBER OF SPECIAL REGISTRATION PLATES THAT HAVE NOT RECEIVED THE MINIMUM NUMBER OF APPLICATIONS WITHIN THREE YEARS OF THEIR AUTHORIZATION AND ALTERNATIVE METHODS OF IDENTIFYING NORTH CAROLINA REGISTRATION PLATES, TO ALLOW THE NC COASTAL FEDERATION SPECIAL PLATE TO HAVE A DIFFERENT PLATE BACKGROUND, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: ALTERNATIVE FUEL VEHICLES, BE ACTIVE NC,

BLUE RIDGE PARKWAY FOUNDATION, BREAST CANCER AWARENESS, BUFFALO SOLDIERS, CELEBRATE ADOPTION, CRYSTAL COAST ARTIFICIAL REEF ASSOCIATION, DELTA SIGMA THETA SORORITY, FRATERNAL ORDER OF POLICE, FRIENDS OF THE APPALACHIAN TRAIL, MOTHERS AGAINST DRUNK DRIVING, POW/MIA, RED HAT SOCIETY, RETIRED LAW ENFORCEMENT OFFICERS, SURVEYORS, AND ZETA PHI BETA SORORITY.

When a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

House of Representatives
July 19, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for HB 674 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES.

Respectfully,
S/Denise Weeks
Principal Clerk

House of Representatives
July 19, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for HB 48, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA MOVING AHEAD TRANSPORTATION INITIATIVE BY ALLOWING CASH BALANCES IN THE HIGHWAY TRUST FUND TO BE USED TO MEET CRUCIAL TRANSPORTATION NEEDS, TO REQUIRE FUNDS DESIGNATED BY THIS ACT FOR PRESERVATION, MODERNIZATION, AND MAINTENANCE BE EXPENDED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CERTIFY THAT USE OF FUNDS IN ACCORDANCE WITH THIS ACT WILL NOT DELAY CONSTRUCTION OF ANY HIGHWAY TRUST FUND PROJECT, TO REAFFIRM THE INTENT OF THE GENERAL ASSEMBLY THAT PROCEEDS FROM THE ISSUANCE OF BONDS UNDER AUTHORITY OF THE STATE HIGHWAY BOND ACT OF 1996 SHALL BE USED FOR THE PURPOSES STATED IN THAT ACT, AND FOR NO OTHER

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PURPOSE, TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY SOLUTIONS TO NORTH CAROLINA'S URBAN TRANSPORTATION NEEDS, TO REQUIRE FUNDS TRANSFERRED FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND TO BE REPAID, TO DELAY IMPLEMENTATION OF AGRICULTURAL VEHICLE ESCORT TRAINING AND CERTIFICATION, TO ALLOW FARMERS TO MOVE EQUIPMENT BETWEEN FARMS WITHOUT A FLAGMAN, AND TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO IMPLEMENT CURRITUCK SOUND FERRY SERVICE, and requests conferees.

Speaker Black has appointed:

Representative Crawford, Chair
Representative Cole
Representative Gillespie
Representative Owens
Representative Brubaker
Representative Stiller
Representative McComas
Representative Culpepper
Representative Coates
Representative Wright
Representative Wainwright
Representative Clary
Representative Barnhart, and
Representative Allred

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
July 19, 2003

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for SB 661, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A LOCAL CONFINEMENT FACILITY TRANSFERS A PRISONER TO ANOTHER LOCAL CONFINEMENT FACILITY THE TRANSFERRING FACILITY PROVIDES TO THE RECEIVING FACILITY HEALTH INFORMATION ABOUT THE TRANSFERRED PRISONER; AND TO MAKE CHANGES TO THE EMERGENCY MEDICAL SERVICES ACT, AND TO CREATE THE OFFENSE OF ARSON OR OTHER UNLAWFUL BURNINGS THAT RESULT IN SERIOUS INJURY TO A FIREFIGHTER OR EMERGENCY MEDICAL TECHNICIAN, and requests conferees, Speaker Black appoints:

Representative Wright, Chair
Representative Michaux
Representative Goodwin
Representative Kiser
Representative Stam, and
Representative Munford

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

H.B. 831 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COASTAL RECREATIONAL FISHING LICENSE.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 48 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA MOVING AHEAD TRANSPORTATION INITIATIVE BY ALLOWING CASH BALANCES IN THE HIGHWAY TRUST FUND TO BE USED TO MEET CRUCIAL TRANSPORTATION NEEDS, TO REQUIRE FUNDS DESIGNATED BY THIS ACT FOR PRESERVATION, MODERNIZATION, AND MAINTENANCE BE EXPENDED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CERTIFY THAT USE OF FUNDS IN ACCORDANCE WITH THIS ACT WILL NOT DELAY CONSTRUCTION OF ANY HIGHWAY TRUST FUND PROJECT, TO REAFFIRM THE INTENT OF THE GENERAL ASSEMBLY THAT PROCEEDS FROM THE ISSUANCE OF BONDS UNDER AUTHORITY OF THE STATE HIGHWAY BOND ACT OF 1996 SHALL BE USED FOR THE PURPOSES STATED IN THAT ACT, AND FOR NO OTHER PURPOSE, TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY SOLUTIONS TO NORTH CAROLINA'S URBAN TRANSPORTATION NEEDS, TO REQUIRE FUNDS TRANSFERRED FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND TO BE REPAYED, TO DELAY IMPLEMENTATION OF AGRICULTURAL VEHICLE ESCORT TRAINING AND CERTIFICATION, TO ALLOW FARMERS TO MOVE EQUIPMENT BETWEEN FARMS WITHOUT A FLAGMAN, AND TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO IMPLEMENT CURRITUCK SOUND FERRY SERVICE.

Pursuant to the message from the House of Representatives received earlier today that the House fails to concur in the Senate Committee Substitute bill for H.B. 48 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, Chair; Senator Hoyle; Senator Jenkins; and Senator Carpenter as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A

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message is ordered sent to the House of Representatives informing that Honorable Body of such action.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Sloan.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 750, AN ACT TO INCREASE THE CEILING THAT A SMALL BREWERY MAY PRODUCE WITHOUT BEING REQUIRED TO GO THROUGH A MALT BEVERAGE DISTRIBUTOR.

S.B. 872, AN ACT TO INCREASE PROTECTIONS FOR TELEPHONE SUBSCRIBERS WHO WISH TO STOP UNWANTED TELEPHONE SOLICITATIONS AND FOR CONSUMERS WHO ENTER INTO TELEMARKETING TRANSACTIONS.

H.B. 566, AN ACT TO APPROVE IN PART AND TO DEFER ACTION ON PART OF THE ADMINISTRATIVE RULE RECLASSIFICATION BY THE ENVIRONMENTAL MANAGEMENT COMMISSION OF PORTIONS OF SWIFT CREEK AND SANDY CREEK IN THE TAR-PAMLICO RIVER BASIN AND TO AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION TO EVALUATE HOW BEST TO PROTECT WATER QUALITY AND ENDANGERED SPECIES IN THE EASTERN PORTION OF SWIFT CREEK AND ITS WATERSHED.

H.B. 819, AN ACT TO STRENGTHEN THE REQUIREMENT THAT THE COUNTY BOARDS OF ELECTIONS MUST PROVIDE BEYOND THE BUFFER ZONE AROUND THE VOTING PLACE A SPACE WHERE CAMPAIGNING AND OTHER ELECTION-RELATED ACTIVITY CAN BE CONDUCTED.

H.B. 860, AN ACT TO AMEND THE REGISTRATION REQUIREMENTS AND FEES TO ENGAGE IN CERTAIN ACTIVITIES WITH CONTROLLED SUBSTANCES.

H.B. 1028, AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES TO ESTABLISH A GENERAL PERMIT FOR THE CONSTRUCTION OF RIPRAP SILLS FOR WETLAND ENHANCEMENT AND SHORELINE PROTECTION IN ESTUARINE AND PUBLIC TRUST WATERS, TO PROHIBIT THE CONSTRUCTION OF PERMANENT EROSION CONTROL STRUCTURES IN OCEAN SHORELINES, AND TO PROVIDE THAT TEMPORARY EROSION

CONTROL STRUCTURES IN OCEAN SHORELINES SHALL BE LIMITED TO SANDBAGS.

H.B. 1241, AN ACT TO DELAY THE REINSTATEMENT OF THE TWENTY PERCENT UNEMPLOYMENT INSURANCE SURTAX.

And the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 440, AN ACT AMENDING THE CHARTER OF THE TOWN OF WENTWORTH TO EXEMPT AGRICULTURAL LAND USES WITHIN THAT JURISDICTION FROM ZONING.

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. 317, AN ACT TO PROVIDE FOR A TWO-YEAR MORATORIUM ON ANNEXATIONS INTO THE COUNTY OF CABARRUS BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THE COUNTY AND TO ADD TERRITORY TO THE ECONOMIC DEVELOPMENT ZONE WHERE THERE IS A MORATORIUM ON ANNEXATION AND AFFECTING ELECTRONIC SIGNATURES AND ELECTRONIC RECORDS FILED WITH VARIOUS COUNTY REGISTERS OF DEEDS. (Became law upon ratification, July 18, 2003–S.L. 2003-326.)

H.B. 313, AN ACT TO CONSOLIDATE AND REVISE THE CHARTER OF THE CITY OF ROCKY MOUNT. (Became law upon ratification, July 18, 2003–S.L. 2003-327.)

H.B. 697, AN ACT TO ALLOW THE CITY OF TROY AND ITS REDEVELOPMENT COMMISSION TO ACQUIRE PROPERTY WITHIN A REDEVELOPMENT AREA USING THE "QUICK TAKE" PROCEDURE, TO REVISE AND CONSOLIDATE THE CHARTERS OF THE TOWNS OF PEACHLAND AND POLKTON, AND TO ALLOW THE CITY OF HICKORY TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES. (Became law upon ratification, July 18, 2003–S.L. 2003-328.)

H.B. 736, AN ACT TO AUTHORIZE THE CITY OF DURHAM TO COLLECT A GENERAL MUNICIPAL VEHICLE TAX OF UP TO TEN DOLLARS ON VEHICLES RESIDENT IN THE CITY AND TO AUTHORIZE THE CITY OF DURHAM TO ENTER INTO A JOINT AGREEMENT WITH A PRIVATE UNIVERSITY TO EXTEND THE JURISDICTION OF THE CAMPUS LAW ENFORCEMENT AGENCY OF THE PRIVATE UNIVERSITY INTO THE JURISDICTION OF THE CITY OF DURHAM. (Became law upon ratification, July 18, 2003–S.L. 2003-329.)

July 19, 2003

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 19, 2003

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 819 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING THE SALE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC DISTRICT.

When a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report earlier today, the President orders the bill enrolled and sent to the Governor by special message.

CONFERENCE REPORT

Senator Reeves, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 661** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A LOCAL CONFINEMENT FACILITY TRANSFERS A PRISONER TO ANOTHER LOCAL CONFINEMENT FACILITY THE TRANSFERRING FACILITY PROVIDES TO THE RECEIVING FACILITY HEALTH INFORMATION ABOUT THE TRANSFERRED PRISONER; AND TO MAKE CHANGES TO THE EMERGENCY MEDICAL SERVICES ACT, AND TO CREATE THE OFFENSE OF ARSON OR OTHER UNLAWFUL BURNINGS THAT RESULT IN SERIOUS INJURY TO A FIREFIGHTER OR EMERGENCY MEDICAL TECHNICIAN, 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 661, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A LOCAL CONFINEMENT FACILITY TRANSFERS A PRISONER TO ANOTHER LOCAL CONFINEMENT FACILITY THE TRANSFERRING FACILITY PROVIDES TO THE RECEIVING FACILITY HEALTH INFORMATION ABOUT THE TRANSFERRED PRISONER; AND TO MAKE CHANGES TO THE EMERGENCY MEDICAL SERVICES ACT, AND TO CREATE THE OFFENSE OF ARSON OR OTHER UNLAWFUL BURNINGS

THAT RESULT IN SERIOUS INJURY TO A FIREFIGHTER OR EMERGENCY MEDICAL TECHNICIAN, House Committee Substitute Favorable 7/18/03, submit the following report:

The Senate and House agree to the following amendment and the Senate concurs in the House Committee Substitute Favorable 7/18/03, as amended:

On page 1, line 7, by adding the following after the word "ACT,":

"TO INCREASE THE CRIMINAL PENALTY FOR DAMAGING A PUBLIC BUILDING WITH AN EXPLOSIVE OR INCENDIARY DEVICE OR MATERIAL,"; and

On page 7, line 21, delete "an offense" and substitute "a felony"; and

On page 7, lines 32-33, by inserting the following between those lines:

"**SECTION 3.(c)** G.S. 14-49 is amended by adding a new subsection to read:

'(b2) Any person who willfully and maliciously damages, aids, counsels, or procures the damaging of the State Capitol, the Legislative Building, the Justice Building, or any building owned or occupied by the State or any of its agencies, institutions, or subdivisions or by any county, incorporated city or town, or other governmental entity by the use of any explosive or incendiary device or material is guilty of a Class E felony.'"

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 19, 2003.

Conferees for the Senate

S/Daniel G. Clodfelter
S/Fletcher L. Hartsell, Jr.
S/Eric Reeves

Conferees for the
House of Representatives

S/Wayne Goodwin
S/Joe L. Kiser
S/Henry M. Michaux, Jr.
S/Don Munford
S/Paul Stam
S/Thomas E. Wright

The Conference Report is placed on the Calendar for tomorrow, Sunday, July 20, for adoption.

Upon motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns at 10:27 P.M. subject to receipt of messages from the House of Representatives, committee reports and conference reports to meet tomorrow, Sunday, July 20, at 11:00 A.M.

July 19, 2003

ONE HUNDRED SECOND DAY

Senate Chamber
Sunday, July 20, 2003

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 Virginia Foxx, Senator from Watauga County, as follows:

"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 that great, common human heart of us all, and, oh Lord God, let us forget not to be kind. Amend."

*A collect for Club Women–Mary Stewart

The Chair grants leaves of absence for today to Senator Allran, Senator Ballantine, Senator Bingham, Senator Carrington, Senator Forrester, Senator Garwood, Senator Gulley, Senator Hagan, Senator Holloman, Senator Horton and Senator Shaw.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Saturday, July 19, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, for presentation to the Governor:

S.B. 819, AN ACT REGARDING THE SALE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC DISTRICT.

H.B. 754, AN ACT TO PLACE A MORATORIUM UNTIL DECEMBER 31, 2004, ON THE ENACTMENT OF NEW OR EXPANDED ORDINANCES AMORTIZING OFF PREMISES OUTDOOR ADVERTISING BY LOCAL GOVERNMENTS, AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE ISSUE.

H.B. 855, AN ACT TO INCREASE THE FEE FOR A PERSONALIZED REGISTRATION PLATE BY TEN DOLLARS AND TO CREDIT THE INCREASED FEE REVENUE TO THE NATURAL HERITAGE TRUST FUND

AND THE PARKS AND RECREATION TRUST FUND, TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY VARIOUS ISSUES RELATED TO SPECIAL REGISTRATION PLATES, TO ALLOW THE NC COASTAL FEDERATION SPECIAL PLATE TO HAVE A DIFFERENT PLATE BACKGROUND, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: ALTERNATIVE FUEL VEHICLES, BE ACTIVE NC, BLUE RIDGE PARKWAY FOUNDATION, BREAST CANCER AWARENESS, BUFFALO SOLDIERS, CELEBRATE ADOPTION, CRYSTAL COAST ARTIFICIAL REEF ASSOCIATION, DELTA SIGMA THETA SORORITY, FRATERNAL ORDER OF POLICE, FRIENDS OF THE APPALACHIAN TRAIL, MOTHERS AGAINST DRUNK DRIVING, POW/MIA, RED HAT SOCIETY, RETIRED LAW ENFORCEMENT OFFICERS, SURVEYORS, AND ZETA PHI BETA SORORITY.

CALENDAR

A bill on today's Calendar is taken up and disposed of, as follows:

S.B. 661 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A LOCAL CONFINEMENT FACILITY TRANSFERS A PRISONER TO ANOTHER LOCAL CONFINEMENT FACILITY THE TRANSFERRING FACILITY PROVIDES TO THE RECEIVING FACILITY HEALTH INFORMATION ABOUT THE TRANSFERRED PRISONER; AND TO MAKE CHANGES TO THE EMERGENCY MEDICAL SERVICES ACT, TO INCREASE THE CRIMINAL PENALTY FOR DAMAGING A PUBLIC BUILDING WITH AN EXPLOSIVE OR INCENDIARY DEVICE OR MATERIAL, AND TO CREATE THE OFFENSE OF ARSON OR OTHER UNLAWFUL BURNINGS THAT RESULT IN SERIOUS INJURY TO A FIREFIGHTER OR EMERGENCY MEDICAL TECHNICIAN, for adoption.

Upon motion of Senator Reeves, 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.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 996 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT THE NEGATIVE SECONDARY EFFECTS CAUSED BY SEXUALLY EXPLICIT CONDUCT ON PREMISES LICENSED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION, 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.

July 20, 2003

House of Representatives
July 19, 2003

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 661 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A LOCAL CONFINEMENT FACILITY TRANSFERS A PRISONER TO ANOTHER LOCAL CONFINEMENT FACILITY THE TRANSFERRING FACILITY PROVIDES TO THE RECEIVING FACILITY HEALTH INFORMATION ABOUT THE TRANSFERRED PRISONER; AND TO MAKE CHANGES TO THE EMERGENCY MEDICAL SERVICES ACT, AND TO CREATE THE OFFENSE OF ARSON OR OTHER UNLAWFUL BURNINGS THAT RESULT IN SERIOUS INJURY TO A FIREFIGHTER OR EMERGENCY MEDICAL TECHNICIAN.

When a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report earlier today, the bill is ordered enrolled and sent to the Governor by special message.

S.B. 137, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MUNICIPAL SERVICE DISTRICTS FOR TRANSIT-ORIENTED DEVELOPMENT AND TO AUTHORIZE CITIES TO USE SPECIAL OBLIGATION FINANCING FOR PROJECTS WITHIN MUNICIPAL SERVICE DISTRICTS, for concurrence in House Amendments No. 1, No. 2, No. 3 and No. 4.

Referred to **Rules and Operations of the Senate Committee**.

S.B. 75 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A LIFE SCIENCES REVENUE BOND AUTHORITY, for concurrence in House Amendments No. 1 and No. 2.

Referred to **Rules and Operations of the Senate Committee**.

S.B. 676 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE BANKING LAWS OF NORTH CAROLINA, AND TO EXEMPT CERTAIN FREE DISTRIBUTION PUBLICATIONS FROM THE SALES TAX AND TO CONFORM THE LAWS RELATED TO PERMISSIBLE INTEREST RATES FOR HOME LOANS SECURED BY FIRST MORTGAGES, for concurrence in the House Committee Substitute bill.

Referred to **Finance Committee**.

S.B. 63 (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, for concurrence in the House Committee Substitute bill.

Referred to **Rules and Operations of the Senate Committee**.

S.B. 34 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES, for concurrence in the House Committee Substitute bill.

Referred to **Rules and Operations of the Senate Committee**.

CALENDAR *(continued)*

S.B. 996 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT THE NEGATIVE SECONDARY EFFECTS CAUSED BY SEXUALLY EXPLICIT CONDUCT ON PREMISES LICENSED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION, for concurrence in the House Committee Substitute bill, placed earlier on today's Calendar.

Upon motion of Senator Garrou, the Senate concurs in the House Committee Substitute bill (38-0) and the measure is ordered enrolled and sent to the Governor by special message.

WITHDRAWAL FROM COMMITTEE

H.B. 917 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM THE LAWS RELATED TO PERMISSIBLE INTEREST RATES FOR HOME LOANS SECURED BY FIRST MORTGAGES, referred to the **Rules and Operations of the Senate Committee** earlier today.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Rules and Operations of the Senate Committee** and placed on today's Supplemental Calendar which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Rules and Operations of the Senate Committee** and places it on today's Supplemental Calendar.

The Senate recesses at 11:58 A.M. to reconvene at 2:00 P.M. subject to receipt of Messages from the House of Representatives, receipt of Conference Reports, Committee Reports and appointment of conferees.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Carpenter.

Upon the appearance of Senator Ballantine in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

July 20, 2003

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 661, AN ACT TO PROVIDE THAT WHEN A LOCAL CONFINEMENT FACILITY TRANSFERS A PRISONER TO ANOTHER LOCAL CONFINEMENT FACILITY THE TRANSFERRING FACILITY PROVIDES TO THE RECEIVING FACILITY HEALTH INFORMATION ABOUT THE TRANSFERRED PRISONER; AND TO MAKE CHANGES TO THE EMERGENCY MEDICAL SERVICES ACT, TO INCREASE THE CRIMINAL PENALTY FOR DAMAGING A PUBLIC BUILDING WITH AN EXPLOSIVE OR INCENDIARY DEVICE OR MATERIAL, AND TO CREATE THE OFFENSE OF ARSON OR OTHER UNLAWFUL BURNINGS THAT RESULT IN SERIOUS INJURY TO A FIREFIGHTER OR EMERGENCY MEDICAL TECHNICIAN.

S.B. 996, AN ACT TO PREVENT THE NEGATIVE SECONDARY EFFECTS CAUSED BY SEXUALLY EXPLICIT CONDUCT ON PREMISES LICENSED BY THE ALCOHOLIC BEVERAGE CONTROL 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:

H.B. 440, AN ACT AMENDING THE CHARTER OF THE TOWN OF WENTWORTH TO EXEMPT AGRICULTURAL LAND USES WITHIN THAT JURISDICTION FROM ZONING. (Became law upon ratification, July 19, 2003–S.L. 2003-330.)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives
July 20, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has appointed conferees to Senate Committee Substitute for HB 674, A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES.

Speaker Morgan has appointed:

Representative Culpepper, Chair
Representative Hackney
Representative Kiser
Representative Sherrill
Representative Crawford

Representative McComas
Representative Bonner
Representative Yongue
Representative Baker, 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 Weeks
Principal Clerk

House of Representatives
July 20, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for HB 281, 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 AUTHORIZE FINANCING OF A NEW CLINICAL CANCER CENTER, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

Respectfully,
S/Denise Weeks
Principal Clerk

Upon the appearance of Senator Allran and Senator Gulley in the Chamber, the Chair acknowledges their presence and the leaves of absence granted previously are withdrawn.

SUPPLEMENTAL CALENDAR

H.B. 917 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM THE LAWS RELATED TO PERMISSIBLE INTEREST RATES FOR HOME LOANS SECURED BY FIRST MORTGAGES.

Upon motion of Senator Weinstein, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

WITHDRAWAL FROM COMMITTEE

S.B. 137, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MUNICIPAL SERVICE DISTRICTS FOR TRANSIT-ORIENTED DEVELOPMENT AND TO AUTHORIZE CITIES TO USE SPECIAL OBLIGATION FINANCING FOR PROJECTS WITHIN MUNICIPAL SERVICE DISTRICTS, referred to the **Rules and Operations of the Senate Committee** earlier today.

July 20, 2003

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and placed on today's Supplemental Calendar for immediate consideration, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and places it on today's Supplemental Calendar.

The Senate fails to concur in House Amendments No. 1, No. 2, No. 3 and No. 4, (14-24).

Senator Clodfelter offers a motion that the Senate appoint conferees, which motion prevails.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 137, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MUNICIPAL SERVICE DISTRICTS FOR TRANSIT-ORIENTED DEVELOPMENT AND TO AUTHORIZE CITIES TO USE SPECIAL OBLIGATION FINANCING FOR PROJECTS WITHIN MUNICIPAL SERVICE DISTRICTS.

Pursuant to the Senate having failed to concur in House Amendments No. 1, No. 2, No. 3, and No. 4 earlier today and a motion by Senator Clodfelter to appoint conferees having prevailed, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Clodfelter, Co-Chair, and Senator Rand, Co-Chair, 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.

WITHDRAWAL FROM COMMITTEE

S.B. 75 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A LIFE SCIENCES REVENUE BOND AUTHORITY, referred to the **Rules and Operations of the Senate Committee** earlier today.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Rules and Operations of the Senate Committee** and placed on today's Supplemental Calendar which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Rules and Operations of the Senate Committee** and places it on today's Supplemental Calendar, for concurrence in House Amendments No. 1 and No. 2.

S.B. 34 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES, referred to the **Rules and Operations of the Senate Committee** earlier today.

Pursuant to Rule 47(a), Senator Rand offers a motion that the House Committee Substitute bill be withdrawn from the **Rules and Operations of the Senate Committee** and placed on today's Supplemental Calendar which motion prevails with unanimous consent.

The Chair orders the House Committee Substitute bill withdrawn from the **Rules and Operations of the Senate Committee** and places it on today's Supplemental Calendar, for concurrence in the House Committee Substitute bill.

SUPPLEMENTAL CALENDAR (*continued*)

S.B. 75 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A LIFE SCIENCES REVENUE BOND AUTHORITY, for concurrence in House Amendments No. 1 and No. 2

Upon motion of Senator Rand, the Senate fails to concur in House Amendments No. 1 and No. 2 (0-37).

Senator Rand offers a motion that the Senate appoint conferees, which motion prevails.

WITHDRAWAL FROM CALENDAR

H.B. 917 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM THE LAWS RELATED TO PERMISSIBLE INTEREST RATES FOR HOME LOANS SECURED BY FIRST MORTGAGES.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

APPOINTMENT OF CONFERENCE COMMITTEES

H.B. 674 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES.

Pursuant to the message from the House of Representatives received yesterday, Saturday, July 19 that the House fails to concur in the Senate Committee Substitute bill for H.B. 674 and pursuant to the message from the House of Representatives received earlier today that the House appoints conferees, Senator Hoyle offers a motion that the Senate appoint conferees which motion prevails.

Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Hoyle, Chair, and Senator Kerr as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 75 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A LIFE SCIENCES REVENUE BOND AUTHORITY.

Pursuant to the Senate having failed to concur in House Amendments No. 1 and No. 2 for S.B. 75 earlier today and the motion by Senator Clodfelter to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Clodfelter, Co-Chair, and Senator Rand, Co-Chair, 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.

SUPPLEMENTAL CALENDAR (*continued*)

S.B. 34 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the Senate fails to concur in the House Committee Substitute bill (4-36).

July 20, 2003

Senator Rand offers a motion that the Senate appoint conferees, which motion prevails.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 34 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill earlier today and a motion by Senator Rand to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Hoyle, Chairman, and Senator Kerr as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives
July 20, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has appointed conferees to Senate Committee Substitute for HB 281, 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 AUTHORIZE FINANCING OF A NEW CLINICAL CANCER CENTER, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

Speaker Morgan has appointed:

Representative Culpepper, Chair
Representative Brubaker
Representative Crawford
Representative Sherrill
Representative Wainwright
Representative Howard
Representative McComas

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise Weeks
Principal Clerk

House of Representatives
July 20, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that Representative Lucas has been added as a conferee to Senate Committee Substitute for HB 674, A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES.

Respectfully,
S/Denise Weeks
Principal Clerk

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 281 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO AUTHORIZE FINANCING OF A NEW CLINICAL CANCER CENTER, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

Pursuant to the message from the House of Representatives received earlier today that the House appoints conferees for the Senate Committee Substitute bill for H.B. 281, Senator Clodfelter offers a motion that the Senate appoint conferees which motion prevails.

Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Clodfelter, Co-Chair, and Senator Rand, Co-Chair, as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The Senate recesses at 3:35 P.M. for the purpose of a Rules and Operations of the Senate Committee meeting to reconvene at 3:40 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Reeves.

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:

July 20, 2003

By Senator Rand for the **Rules and Operations of the Senate Committee:**

H.B. 917 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM THE LAWS RELATED TO PERMISSIBLE INTEREST RATES FOR HOME LOANS SECURED BY FIRST MORTGAGES, 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 60397, which changes the title to read **H.B. 917** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM THE LAWS RELATED TO PERMISSIBLE INTEREST RATES FOR HOME LOANS SECURED BY FIRST MORTGAGES, AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO BANKING AND LENDING LAWS, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended, without objection, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate Committee Substitute bill passes its second (32-4) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

The Senate recesses at 4:15 P.M. to reconvene at 6:00 P.M. subject to receipt of messages from the House of Representatives, Conference Reports, Committee Reports and appointment of conferees.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives
July 20, 2003

Madame President:

Pursuant to the information that your Honorable Body failed to concur in House Amendments No. 1 and 2 to SB 75 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A LIFE SCIENCES REVENUE BOND AUTHORITY, and requests conferees, Speaker Morgan appoints:

Representative Culpepper, Chair
Representative Brubaker
Representative Crawford
Representative Sherrill
Representative Wainwright
Representative Howard
Representative McComas, and
Representative Wright

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 ^{cm}
Principal Clerk

House of Representatives
July 20, 2003

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for SB 34, A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES, and requests conferees, Speaker Morgan appoints:

Representative Culpepper, Chair
Representative Hackney
Representative Kiser
Representative Sherrill
Representative Crawford
Representative McComas
Representative Bonner
Representative Yongue
Representative Baker
Representative Clary, and
Representative Lucas

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 ^{cwc}
Principal Clerk

House of Representatives
July 20, 2003

Madame President:

Pursuant to the information that your Honorable Body failed to concur in House Amendments No. 1, 2, 3, and 4 to SB 137, 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 MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS AS APPROVED BY THE SENATE AND RECOMMENDED BY THE HOUSE RULES COMMITTEE, TO AUTHORIZE MUNICIPAL SERVICE DISTRICTS FOR TRANSIT-ORIENTED DEVELOPMENT, AND TO AUTHORIZE CITIES TO USE SPECIAL

July 20, 2003

OBLIGATION FINANCING FOR PROJECTS WITHIN MUNICIPAL SERVICE DISTRICTS, and requests conferees, Speaker Morgan appoints:

Representative Culpepper, Chair
Representative Brubaker
Representative Crawford
Representative Sherrill
Representative Wainwright
Representative Howard
Representative McComas, and
Representative Wright

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 *cwc*
Principal Clerk

House of Representatives
July 20, 2003

Madame President:

It is ordered that a message be sent your Honorable Body with the information that Representative Wright has been added as a conferee to Senate Committee Substitute for HB 281, 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 AUTHORIZE FINANCING OF A NEW CLINICAL CANCER CENTER, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

Respectfully,
S/Denise Weeks *cwc*
Principal Clerk

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

Upon the appearance of Senator Reeves in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

CONFERENCE REPORT

Senator Gulley, for the Conferees appointed to consider the differences arising

between the Senate and the House of Representatives upon **H.B. 48** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA MOVING AHEAD TRANSPORTATION INITIATIVE BY ALLOWING CASH BALANCES IN THE HIGHWAY TRUST FUND TO BE USED TO MEET CRUCIAL TRANSPORTATION NEEDS, TO REQUIRE FUNDS DESIGNATED BY THIS ACT FOR PRESERVATION, MODERNIZATION, AND MAINTENANCE BE EXPENDED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CERTIFY THAT USE OF FUNDS IN ACCORDANCE WITH THIS ACT WILL NOT DELAY CONSTRUCTION OF ANY HIGHWAY TRUST FUND PROJECT, TO REAFFIRM THE INTENT OF THE GENERAL ASSEMBLY THAT PROCEEDS FROM THE ISSUANCE OF BONDS UNDER AUTHORITY OF THE STATE HIGHWAY BOND ACT OF 1996 SHALL BE USED FOR THE PURPOSES STATED IN THAT ACT, AND FOR NO OTHER PURPOSE, TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY SOLUTIONS TO NORTH CAROLINA'S URBAN TRANSPORTATION NEEDS, TO REQUIRE FUNDS TRANSFERRED FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND TO BE REPAID, TO DELAY IMPLEMENTATION OF AGRICULTURAL VEHICLE ESCORT TRAINING AND CERTIFICATION, TO ALLOW FARMERS TO MOVE EQUIPMENT BETWEEN FARMS WITHOUT A FLAGMAN, AND TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO IMPLEMENT CURRITUCK SOUND FERRY SERVICE, 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 48, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA MOVING AHEAD TRANSPORTATION INITIATIVE BY ALLOWING CASH BALANCES IN THE HIGHWAY TRUST FUND TO BE USED TO MEET CRUCIAL TRANSPORTATION NEEDS, TO REQUIRE FUNDS DESIGNATED BY THIS ACT FOR PRESERVATION, MODERNIZATION, AND MAINTENANCE BE EXPENDED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CERTIFY THAT USE OF FUNDS IN ACCORDANCE WITH THIS ACT WILL NOT DELAY CONSTRUCTION OF ANY HIGHWAY TRUST FUND PROJECT, TO REAFFIRM THE INTENT OF THE GENERAL ASSEMBLY THAT PROCEEDS FROM THE ISSUANCE OF BONDS UNDER AUTHORITY OF THE STATE HIGHWAY BOND ACT OF 1996 SHALL BE USED FOR THE PURPOSES STATED IN THAT ACT, AND FOR NO OTHER PURPOSE, TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY SOLUTIONS TO NORTH CAROLINA'S URBAN TRANSPORTATION NEEDS, TO REQUIRE FUNDS TRANSFERRED FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND TO BE REPAID, TO DELAY IMPLEMENTATION OF AGRICULTURAL VEHICLE ESCORT TRAINING AND CERTIFICATION, TO ALLOW FARMERS TO MOVE EQUIPMENT BETWEEN FARMS WITHOUT A FLAGMAN, AND TO REQUIRE THE DEPARTMENT OF TRANSPORTATION

July 20, 2003

TO IMPLEMENT CURRITUCK SOUND FERRY SERVICE, Senate Appropriations/Base Budget Committee Substitute Adopted 7/16/03, with unengrossed Senate amendments #1 and #2, submit the following report:

The House and Senate agree to the following amendments to the Senate Appropriations/Base Budget Committee Substitute Adopted 7/16/03, with unengrossed Senate amendments #1 and #2, and the House concurs in the Senate Committee Substitute as amended:

on line 2 of unengrossed Senate Amendment #1, by underlining the deleted and inserted words; and

on page 1, line 19, by adding the word "AND" after the comma; and

on page 1, lines 21-22, by rewriting those lines to read: "FLAGMAN."; and

on page 5, line 37, by adding after the word "field" and before the period the following:
" for no more than ten miles and if visible from both directions for 300 feet at any point along the proposed route"; and

on page 6, lines 3-14, by deleting those lines; and

on page 6, line 15, by rewriting the phrase "SECTION 10." to read: "SECTION 9."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 20, 2003.

Conferees for the Senate

S/Wib Gulley, Chair
 Robert Carpenter
 S/David Hoyle
 S/S. Clark Jenkins

Conferees for the
 House of Representatives

S/James W. Crawford, Jr., Chair
 S/Cary Allred
 S/Jeffrey Barnhart
 S/Harold Brubaker
 S/Debbie Clary
 S/Lorene Coates
 S/Nelson Cole
 S/William Culpepper
 S/Mitchell Gillespie
 S/Daniel McComas
 S/William Owens, Jr.
 S/Bonner Stiller
 S/William Wainwright
 S/Thomas Wright

Upon motion of Senator Gulley, the rules are suspended and the Conference

Report is placed on today's Supplemental Calendar for adoption.

Upon motion of Senator Gulley, the Senate adopts the Conference Report (35-3).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

The Senate recesses at 6:30 P.M. to reconvene at 8:25 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

The Chair grants leaves of absence for the remainder of today's session to Senator Ballantine, Senator Berger, Senator Hoyle, Senator Rucho and Senator Tillman.

The Senate recesses at 8:28 P.M. for the purpose of a Health and Human Resources Committee meeting to reconvene at 8:38 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly Eaves Perdue, Lieutenant Governor.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Purcell for the **Health and Human Resources Committee**:

H.B. 354 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN, 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 30423, which changes the title to read **H.B. 354** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE DISABILITY INCOME PLAN, is adopted and engrossed.

Upon motion of Senator Purcell, 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 (32-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

ENROLLED BILL

The Enrolling Clerk reports the following resolution duly ratified, properly
July 20, 2003

enrolled, and presented to the Office of the Secretary of State:

H.J.R. 1335, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2003 GENERAL ASSEMBLY TO MEET IN 2003 AND 2004 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THOSE SESSIONS (Res. 31)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives
July 20, 2003

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 48 (Conference Report), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA MOVING AHEAD TRANSPORTATION INITIATIVE BY ALLOWING CASH BALANCES IN THE HIGHWAY TRUST FUND TO BE USED TO MEET CRUCIAL TRANSPORTATION NEEDS, TO REQUIRE FUNDS DESIGNATED BY THIS ACT FOR PRESERVATION, MODERNIZATION, AND MAINTENANCE BE EXPENDED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CERTIFY THAT USE OF FUNDS IN ACCORDANCE WITH THIS ACT WILL NOT DELAY CONSTRUCTION OF ANY HIGHWAY TRUST FUND PROJECT, TO REAFFIRM THE INTENT OF THE GENERAL ASSEMBLY THAT PROCEEDS FROM THE ISSUANCE OF BONDS UNDER AUTHORITY OF THE STATE HIGHWAY BOND ACT OF 1996 SHALL BE USED FOR THE PURPOSES STATED IN THAT ACT, AND FOR NO OTHER PURPOSE, TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY SOLUTIONS TO NORTH CAROLINA'S URBAN TRANSPORTATION NEEDS, TO REQUIRE FUNDS TRANSFERRED FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND TO BE REPAYED, TO DELAY IMPLEMENTATION OF AGRICULTURAL VEHICLE ESCORT TRAINING AND CERTIFICATION, AND TO ALLOW FARMERS TO MOVE EQUIPMENT BETWEEN FARMS WITHOUT A FLAGMAN.

When a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise Weeks *cwc*
Principal Clerk

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 48, AN ACT TO IMPLEMENT THE NORTH CAROLINA MOVING AHEAD TRANSPORTATION INITIATIVE BY ALLOWING CASH BALANCES IN THE HIGHWAY TRUST FUND TO BE USED TO MEET CRUCIAL TRANSPORTATION NEEDS, TO REQUIRE FUNDS DESIGNATED BY THIS ACT FOR PRESERVATION, MODERNIZATION, AND MAINTENANCE BE EXPENDED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CERTIFY THAT USE OF FUNDS IN ACCORDANCE WITH THIS ACT WILL NOT DELAY CONSTRUCTION OF ANY HIGHWAY TRUST FUND PROJECT, TO REAFFIRM THE INTENT OF THE GENERAL ASSEMBLY THAT PROCEEDS FROM THE ISSUANCE OF BONDS UNDER AUTHORITY OF THE STATE HIGHWAY BOND ACT OF 1996 SHALL BE USED FOR THE PURPOSES STATED IN THAT ACT, AND FOR NO OTHER PURPOSE, TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY SOLUTIONS TO NORTH CAROLINA'S URBAN TRANSPORTATION NEEDS, TO REQUIRE FUNDS TRANSFERRED FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND TO BE REPAID, TO DELAY IMPLEMENTATION OF AGRICULTURAL VEHICLE ESCORT TRAINING AND CERTIFICATION, AND TO ALLOW FARMERS TO MOVE EQUIPMENT BETWEEN FARMS WITHOUT A FLAGMAN.

H.B. 917, AN ACT TO CONFORM THE LAWS RELATED TO PERMISSIBLE INTEREST RATES FOR HOME LOANS SECURED BY FIRST MORTGAGES, AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO BANKING AND LENDING LAWS.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 20, 2003

Madame President:

You are respectfully advised that in accordance with HJR 1335, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2003 GENERAL ASSEMBLY TO MEET IN 2003 AND 2004 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THOSE SESSIONS, the House of Representatives has concluded its business and is adjourning subject to the ratification of bills.

Respectfully,
S/Denise Weeks *cwc*
Principal Clerk

PERSONAL PRIVILEGE

With unanimous consent, upon motion of Senator Garrou, the remarks of Senator
July 20, 2003

Basnight who rises to a point of personal privilege are spread upon the Journal, as follows:

Senator Basnight:

“Something else that’s a little bit tougher to talk about I guess, but briefly I’ll do it. When you have someone in your family, we’ve all had that, who has become awfully sick and you don’t know what the future holds for that person, you have your prayers and you counsel with the medical world as best you can. Unfortunately, Senator Smith, you get on an airplane and you fly to other places. You seek help wherever you can find it, hoping there’s some opportunity for more life, for more opportunity, for more days at the beach, or in the mountains, or with the family. We just lost a big opportunity, a wonderful opportunity to have a very positive effect for people of this State, and this Country, and this world - a very positive effect if we could have built a cancer center; if we had built a building to help treat and cure this dreaded disease and not wait another day, not let the sun, Joe Sam Queen, set in the mountains another day without all the effort that we can give to reverse the damage that cancer does to our community of people, to my family and your family, and the families of the people that we represent in this great State of ours, to be able to lead the country with a facility that would never require that we get on an airplane and fly to Houston or to Rochester or to Boston or to other places. They would fly from there to here to learn from us at the state-owned hospital, at the state-owned school, the only one that you and I own jointly together, all eight million of us, and it was there with no tax increase. It would have employed 1200 people in the building of the facility itself and it would have attracted the best doctors that could be found, the best minds, and it would have kept in this State the best doctors, and we would have learned from these doctors, we would have trained each and every one in this specialized field of oncology and hematology. We would have shared these trained doctors in our communities in North Carolina, across all regions of our State. Then we would have connected our small rural hospitals with this major facility so that if you got sick in Robeson County we would have been able to, with the new technology, Senator Reeves, we would have been able to connect that blood work and the make-up on that patient instantly. The doctors in Chapel Hill would have been able to tell us to send little Joey or sister Lisa to Chapel Hill to your hospital. We think we can do something with this particular disease. For about eighty percent of your patients, things sort of line up okay but there’s about twenty percent where things don’t line up too well. The genes just aren’t working just right and it’s that twenty percent that we could have done something about and I’m convinced one day all politics will be set aside and people will truly make the right decision for the people of this State and we won’t walk away from our responsibility. Well, tonight at 7:30 that walk occurred and I don’t know for what reason and you don’t know either, but it does damage life for many people. The master settlement agreement that wasn’t reached or agreed upon this year, I’m not sure what it would cost us, how much money, but the companies that were fair enough to say that ‘We will participate in this agreement, that we’ll make payments to all states,’ \$160 million was coming to North Carolina, that was our portion, and now because there are companies that did not participate in the master agreement, they’ll undersell the companies that helped make North Carolina what it is today. These companies will have to make a decision whether to stay in North Carolina or move to another state or another country because their profits are going to be reduced. RJ Reynolds, three or four years ago, paid \$161

million in corporate taxes, the second highest amount of money paid by any corporation in this State that year. It's much smaller today, but because we couldn't reach agreements with the House this year, that amount will further be reduced and we will have less money than we should rightfully have. I don't think anyone in here understands why, at 7:30, we said we will no longer debate the master settlement. There were two issues that were important. We have proposed that we build a cancer/stroke facility in Greenville at East Carolina University. We proposed, also, to spend a like amount of money in Charlotte and in the western portions of our State and in Western Carolina to build facilities to be paid for with a very modest tax increase on cigarettes and to fully fund the Charlotte facility, the Asheville facility, and the Cullowhee facility without hesitation, three cents or four cents on a pack of cigarettes and that would have built the cancer center as well. That's what we asked to be done this year in this session as part of our responsibility to meet the needs of the people of this State. Well, at 7:30 that was put to rest. We countered back later in the week that if you can't do that, if that's against your wishes, allow us to take the money that you proposed, five hundred thousand dollars for each of those facilities, allow us to take the money that you proposed, \$2.4 million I believe it was, for the cancer center in Chapel Hill, to shift that to the other facilities, at least get enough money to start the planning of those buildings. But no, couldn't do that either. I guess sometimes when you look back upon the year and you reminisce a little, you wonder what went wrong and what happened. I don't wonder so much for you and me here, but I wonder for the person who is unemployed and not able to find a job in North Carolina today. You led an effort to see that biomanufacturing in this State would be immediately placed in every community that we possibly could and the only way that you could is if you built the training facilities that were necessary to make that happen. We proposed to pay for those or either to encourage the Golden Leaf Foundation to make those investments and we helped prepare the plan. Those of you in this Senate did that - the plan that was well described and organized by the people in that industry, in concert with people from our universities and Dr. Hamner. The North Carolina Senate said let's do it immediately and let's do it quickly so that our workers all across Carolina can be re-employed, most especially those that have lost their jobs who for generations their families have worked in textiles and manufacturing or any other place that we couldn't find employment. You prepared yourself well and you spoke strongly on that issue. We said in order to be able to do it you'd have to suspend some of the recent rules that we have that pertain to the construction and building these buildings and you proposed to the House that we put it on a fast track, that we say that we'll use design-build on a twenty-four hour basis so that we can open up our training facilities now in our Community Colleges and our Universities and most especially North Carolina State and Central University. You proposed that you build them just as quickly as you possibly can so that our people can go to work and that's our responsibility, to see that people are working, then you don't need many programs. When we had one of the CEO's of one of the biomanufacturing companies come into one of our meetings, he told us about the work environment. You drive up to a very nice building. The temperature is always 72 degrees. You get great benefits. After graduating from high school, with a six-month training course at our community colleges you start making \$37,000 per year and you get full medical benefits for every member of your family, if you have one child, one wife, or thirty children. I'm not saying any of you are participating in any such thing as that, but I am saying that we made some costly decisions that we didn't

July 20, 2003

have to make and it's costly to every county in this State. Well, cancer centers, biosciences, protecting and retaining jobs, master settlement, all of that gone. I don't even want to talk about video poker. They say we can't have a lottery, but we can have video poker. Which is the real true scrooge among the people of the State? It's video poker and every one hundred sheriffs in this State asked us to please remove it from our community of people. But no, we couldn't consider that this year, that would be a terrible vote. What a wonderful year! Tort reform, I guess we couldn't have that conversation either. We asked for a joint study, we were refused a joint study, but we will study it alone, jointly together as Republicans and Democrats in this Senate and we'll come back in September and we'll do the right things and we'll offer a bill. And you know what, we probably got session limits this year, but it was a strange kind of limit that wasn't self imposed and sort of taken away from you. I hope you have a jolly summer."

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. 293, AN ACT TO AMEND THE LAW GOVERNING SALES REPRESENTATIVE COMMISSIONS. (Became law upon approval of the Governor, July 20, 2003--S.L. 2003-331.)

S.B. 89, AN ACT TO ESTABLISH THE LAKE LURE MARINE COMMISSION. (Became law upon approval of the Governor, July 20, 2003--S.L. 2003-332.)

S.B. 529, AN ACT TO AUTHORIZE WATER AND SEWER AUTHORITIES TO USE THE SETOFF DEBT COLLECTION ACT. (Became law upon approval of the Governor, July 20, 2003--S.L. 2003-333.)

S.B. 774, AN ACT TO ESTABLISH THE DUTIES OF OPERATORS OF SKATEBOARD PARKS, TO ESTABLISH THE DUTIES OF PERSONS WHO ENGAGE IN CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES, AND TO LIMIT THE LIABILITY OF GOVERNMENTAL ENTITIES FOR DAMAGE OR INJURIES THAT ARISE OUT OF A PERSON'S PARTICIPATION IN CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES AND THAT OCCUR IN AN AREA DESIGNATED FOR CERTAIN HAZARDOUS RECREATIONAL ACTIVITIES. (Became law upon approval of the Governor, July 20, 2003--S.L. 2003-334.)

S.B. 876, AN ACT TO REQUIRE PHYSICIANS WHO DISPENSE THE CONTROLLED SUBSTANCE BUPRENORPHINE FOR THE TREATMENT OF OPIATE DEPENDENCE TO REGISTER WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Became law upon approval of the Governor, July 20, 2003--S.L. 2003-335.)

H.B. 944, AN ACT TO REQUIRE CERTAIN NOTIFICATIONS BEFORE A TOWER MAY COLLECT CERTAIN CHARGES. (Became law upon approval of the Governor, July 20, 2003--S.L. 2003-336.)

H.B. 394, AN ACT CLARIFYING THE LAW PERTAINING TO LEGAL DEADLINES FALLING ON A HOLIDAY. (Became law upon approval of the Governor, July 20, 2003–S.L. 2003-337.)

H.B. 425, AN ACT TO AMEND THE REQUIREMENT THAT SMALL HORSE TRAILERS DESIGNED TO CARRY FOUR OR FEWER HORSES MUST STOP AT PERMANENT WEIGH STATIONS. (Became law upon approval of the Governor, July 20, 2003–S.L. 2003-338.)

H.B. 1118, AN ACT TO REQUIRE SIGNS TO BE POSTED WARNING OF THE POSSIBLE DANGERS OF CONSUMPTION OF ALCOHOL DURING PREGNANCY. (Became law upon approval of the Governor, July 20, 2003–S.L. 2003-339.)

Upon motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns at 8:59 P.M., pursuant to **H.J.R. 1335**, (Senate Committee Substitute), A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2003 GENERAL ASSEMBLY TO MEET IN 2003 AND 2004 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THOSE SESSIONS, to meet Monday, September 15, 2003, at 12:00 Noon.

**ONE HUNDRED THIRD DAY
2003 Session Reconvened**

Senate Chamber
Wednesday, August 27, 2003

In accordance with law, as set forth in the Constitution of the Senate of North Carolina, and pursuant to the Proclamation issued by the Governor, The Honorable Michael F. Easley, on August 22, 2003, the Senate of the 2003 Session of the 2003 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:

"Dear Lord, most of us would agree with the statement that there is no pleasure in having nothing to do. Few of us agree that the fun is having lots to do but not doing it. It just doesn't fit our work ethic. The call went out and the Senate is back.

"Whether here in Raleigh or back at home, there are so many competing responsibilities and authorities in our lives. Regardless of the situation we can turn to you for guidance, direction, and a hope that sustains us. Absolutely nothing in life can separate us from You and Your love for us.

"Be our encouragement today. Amen."

The Chair grants leaves of absence for today to Senator Forrester and Senator Garwood.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Sunday, July 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.

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 August 22, 2003, 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 **Wednesday, August 27, 2003** at 1:30 p.m. to reconsider House Bill 917 which was vetoed on August 19, 2003.

Done in Raleigh, North Carolina, on August 22, 2003.

(Seal)

S/ Michael F. Easley
Governor

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 Rand:

S.R. 1029, A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR THE RECONVENED 2003 REGULAR SESSION OF THE GENERAL ASSEMBLY.

Upon motion of Senator Rand, the rules are suspended and the resolution is placed before the Senate for immediate consideration.

The resolution is adopted.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 27, 2003

Madame President:

It is ordered that a message be sent to the Senate informing your Honorable Body that pursuant to the Proclamation issued by Governor Michael F. Easley on August 22, 2003, reconvening the 2003 Session of the General Assembly to reconsider House Bill 917, A BILL TO BE ENTITLED AN ACT TO CONFORM THE LAWS RELATED TO PERMISSIBLE INTEREST RATES FOR HOME LOANS SECURED BY FIRST MORTGAGES, AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO BANKING AND LENDING LAWS, which was vetoed August 19, 2003, the House of Representatives is organized and now ready to proceed with the public business.

Respectfully,
S/Denise Weeks
Principal Clerk

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. 1030, A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION.

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 reading and third reading and is ordered sent to the House of Representatives by special message.

August 27, 2003

Upon motion of Senator Basnight, seconded by Senator Dalton, the Senate adjourns subject to ratification of bills and receipt of messages from the House of Representatives, to meet Monday, September 15, at 12:00 Noon.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 27, 2003

Madame President:

You are respectfully advised that in accordance with SJR 1030, A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION, the House of Representatives has concluded its business and is adjourning subject to the ratification of resolutions and the receipt of Senate messages.

Respectfully,
S/Denise Weeks
Principal Clerk

H.J.R. 1341, A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION.

The joint resolution is ordered held in the Office of the Senate Principal Clerk, pending referral to committee.

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. 1030, A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION. (Res. 32)

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 2:43 P.M.

ONE HUNDRED FOURTH DAY

Senate Chamber
Monday, September 15, 2003

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:

"The Senate returns today to consider the complex issue of medical malpractice lawsuits, preserving patients' rights while controlling doctors' malpractice insurance cost.

"In such a deliberation, Your word through Holy Scripture is both reassuring and directive. 'But the wisdom from above,' James says, 'is first pure, then peaceable, gentle, open to reason, full of mercy and good fruits, without uncertainty or insincerity.'

"An honest, Godly heart being the first blessing, a knowing head is the second.

"We also lift our collective prayers today for the people who live along our beautiful coastline. Hurricane Isabel poses a dangerous threat to life and property. Surround them with Your protection should the path of this storm bring it to our State. Amen."

The Chair grants leaves of absence for today to Senator Horton, Senator Kinnaird and Senator Sloan.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, 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.

COMMITTEE APPOINTMENT

Pursuant to Rule 31, the President *Pro Tempore* announces the appointment of Senator Blake to the **Select Committee on Insurance and Civil Justice Reform**.

Upon motion of Senator Basnight, seconded by Senator Thomas, the Senate adjourns subject to receipt of committee reports, to meet tomorrow, Tuesday, September 16, at 9:30 A.M.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Rand for the **Select Committee on Insurance and Civil Justice Reform Committee**:

September 15, 2003

S.B. 802, A BILL TO BE ENTITLED AN ACT TO REDUCE THE COSTS OF MEDICAL MALPRACTICE ACTIONS BY LIMITING THE NUMBER OF EXPERT MEDICAL WITNESSES AND BY LIMITING DISCOVERY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35365, which changes the title to read **S.B. 802** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE LAWS RELATED TO MEDICAL PROVIDERS' INSURANCE AND CIVIL JUSTICE ISSUES, AS RECOMMENDED BY THE SENATE SELECT COMMITTEE ON INSURANCE AND CIVIL JUSTICE REFORM, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Garrou for the **Appropriations/Base Budget Committee**:

S.B. 802 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE LAWS RELATED TO MEDICAL PROVIDERS' INSURANCE AND CIVIL JUSTICE ISSUES, AS RECOMMENDED BY THE SENATE SELECT COMMITTEE ON INSURANCE AND CIVIL JUSTICE REFORM, with a favorable report.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:26 P.M.

ONE HUNDRED FIFTH DAY

Senate Chamber
Tuesday, September 16, 2003

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:

"William Shakespeare once said, 'My words fly up, my thoughts remain below. Words without thoughts never to Heaven go.'

"Holy Scripture says it a little differently. 'Let the words of my mouth and the meditation of my heart be acceptable, O Lord my strength and redeemer.'

"May both of those thoughts permeate today's debate. Amen."

The Chair grants leaves of absence for today to Senator Carrington and Senator Kinnaird.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, September 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.

CALENDAR

A bill on today's Calendar is taken up and disposed of, as follows:

S.B. 802 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE LAWS RELATED TO MEDICAL PROVIDERS' INSURANCE AND CIVIL JUSTICE ISSUES, AS RECOMMENDED BY THE SENATE SELECT COMMITTEE ON INSURANCE AND CIVIL JUSTICE REFORM.

Senator Pittenger offers Amendment No. 1.

Pursuant to Rule 53, the President rules Amendment No. 1 out of order.

Senator Foxx announces a pair vote. If Senator Kinnaird were present, she would vote "aye"; Senator Foxx votes "no."

The Committee Substitute bill passes its second (27-19) and third readings and is ordered sent to the House of Representatives.

Upon motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns at 11:26 A.M. to meet Monday, May 10, 2004, at 12:00 Noon.

BEVERLY E. PERDUE
President of the Senate

JANET B. PRUITT
Principal Clerk

ADDENDUM

SENATE JOURNAL

FIRST SESSION

2003



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 2003 Session adjourned on July 20:

S.B. 824, AN ACT TO AMEND VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES TO: (1) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS; (2) AMEND THE REPORTING REQUIREMENT SET OUT IN S.L. 2001-442; (3) CLARIFY WHAT CONSTITUTES A BASE OF OPERATIONS FOR MOBILE FOOD UNITS AND PUSHCARTS; (4) INCREASE THE MEMBERSHIP OF THE ENVIRONMENTAL REVIEW COMMISSION BY TWO; (5) EXTEND BY ONE YEAR THE TIME THAT TEMPORARY RULES TO PROTECT WATER QUALITY AND RIPARIAN BUFFERS IN CERTAIN RIVER BASINS WILL REMAIN IN EFFECT; (6) EXTEND BY TWO YEARS THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS INITIALLY ESTABLISHED BY SECTION 15.4 OF S.L. 1997-443; AND (7) ESTABLISH AN EXCEPTION TO THE MORATORIUM INITIALLY ESTABLISHED BY SECTION 1.2 OF S.L. 1997-458 FOR FACILITIES THAT WERE APPROVED FOR FUNDING UNDER THE AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL AT THE TIME THE MORATORIUM WAS ESTABLISHED. (Became law upon approval of the Governor, July 27, 2003–S.L. 2003-340.)

S.B. 939, AN ACT TO EXTEND THE SURCHARGE FOR THE TELECOMMUNICATIONS RELAY SERVICE TO INCLUDE WIRELESS COMMUNICATIONS. (Became law upon approval of the Governor, July 27, 2003–S.L. 2003-341.)

H.B. 743, AN ACT TO ESTABLISH A NURSE TESTIMONIAL PRIVILEGE. (Became law upon approval of the Governor, July 27, 2003–S.L. 2003-342.)

H.B. 907, AN ACT TO AMEND THE LAWS RELATING TO THE COUNCIL FOR THE DEAF AND THE HARD OF HEARING, TO INCREASE THE MEMBERS ON THE COUNCIL, AND TO CHANGE THE APPOINTING AUTHORITY FOR TWO OF THE MEMBERS APPOINTED TO THE COUNCIL. (Became law upon approval of the Governor, July 27, 2003–S.L. 2003-343.)

H.B. 948, AN ACT TO CLARIFY THE AUTHORITIES OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND THE WILDLIFE RESOURCES COMMISSION WITH RESPECT TO THE REGULATION OF CERVIDS. (Became law upon approval of the Governor, July 27, 2003–S.L. 2003-344.)

S.B. 716, AN ACT TO REPEAL THE UNIFORM ARBITRATION ACT AND TO ENACT THE REVISED UNIFORM ARBITRATION ACT. (Became law upon approval of the Governor, July 27, 2003–S.L. 2003-345.)

H.B. 1074, AN ACT TO REVISE A STATUTE TO CREATE A BUTNER ADVISORY COUNCIL SO AS TO ELECT ALL MEMBERS AT LARGE IN ONE MULTISEAT RACE AND ELIMINATE STAGGERED TERMS; TO DEFINE THE ELECTORAL JURISDICTION OF THE COUNCIL AND THE JURISDICTION OF SPECIAL POLICE OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY; TO AMEND THE LEGISLATION IN OTHER NEEDED WAYS; AND TO CORRECT THE BOUNDARY BETWEEN THE NASH-ROCKY MOUNT SCHOOL ADMINISTRATIVE UNIT AND THE EDGEcombe COUNTY PUBLIC SCHOOL SYSTEM. (Became law upon approval of the Governor, July 27, 2003–S.L. 2003-346.)

S.B. 592, AN ACT AUTHORIZING THE NORTH CAROLINA STATE BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS TO ACQUIRE REAL PROPERTY, AND TO INCREASE THE CIVIL PENALTY ON ENGINEERS FROM TWO THOUSAND DOLLARS TO FIVE THOUSAND DOLLARS FOR VIOLATIONS OF THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT AND CLARIFYING THE REINSTATEMENT REQUIREMENTS UNDER THE ACT. (Became law upon approval of the Governor, July 27, 2003–S.L. 2003-347.)

S.B. 800, AN ACT TO INCREASE THE MAXIMUM FEES THAT THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS MAY ASSESS AND MAKE CHANGES TO THE MASSAGE AND BODYWORK THERAPY LAWS. (Became law upon approval of the Governor, July 27, 2003–S.L. 2003-348.)

S.B. 236, AN ACT TO MODIFY THE DIVIDEND RECEIVED DEDUCTION FOR REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS TO ENSURE THAT ALL DIVIDENDS ARE TREATED UNIFORMLY, TO EXTEND FOR TWO YEARS THE DEPARTMENT OF REVENUE'S AUTHORITY TO OUTSOURCE THE COLLECTION OF IN-STATE TAX DEBTS, TO AMEND THE MOTOR FUEL TAX LAWS, AND TO MAKE VARIOUS ADMINISTRATIVE CHANGES IN THE TAX LAWS. (Became law upon approval of the Governor, July 27, 2003–S.L. 2003-349.)

S.B. 655, AN ACT TO MAKE CLARIFYING CHANGES TO THE DEFINITION OF LOCKSMITH SERVICES UNDER THE LOCKSMITH LICENSING ACT, TO AMEND THE POWERS OF THE NORTH CAROLINA LOCKSMITH LICENSING BOARD TO ALLOW THE BOARD TO EMPLOY AN ATTORNEY AND HAVE CONDUCTED CRIMINAL HISTORY RECORD CHECKS ON APPLICANTS, TO AMEND THE LOCKSMITH LICENSING ACT TO ALLOW THE BOARD TO REGULATE APPRENTICE LOCKSMITHS AND COLLECT FEES, TO CLARIFY THE EXEMPTION FOR GENERAL CONTRACTORS, TO CLARIFY THE EXEMPTION FOR TOWING SERVICES UNDER THE ACT, AND TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS OF APPLICANTS FOR LICENSURE OR APPRENTICE DESIGNATION AS A LOCKSMITH. (Became law upon approval of the Governor, July 27, 2003–S.L. 2003-350.)

H.B. 497, AN ACT TO REMOVE THE SUNSET ON THE AUTHORIZATION FOR CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW. (Became law upon approval of the Governor, July 27, 2003--S.L. 2003-351.)

H.B. 897, AN ACT TO IMPROVE THE SOLVENCY OF THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND AND THE NONCOMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND BY TEMPORARILY REQUIRING THAT CLEANUPS PROCEED ONLY AFTER PREAPPROVAL BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES PURSUANT TO A SCHEDULE BASED ON THE DEGREE OF RISK TO HUMAN HEALTH AND THE ENVIRONMENT AND OTHER FACTORS; TO PROVIDE THAT PAYMENT OR REIMBURSEMENT FROM THE COMMERCIAL FUND AND NONCOMMERCIAL FUND BE LIMITED TO THAT NECESSARY TO ACHIEVE THE MOST COST-EFFECTIVE CLEANUP; TO PROVIDE FOR THE IMPLEMENTATION OF PERFORMANCE-BASED CLEANUPS; TO MINIMIZE FUTURE DISCHARGES AND RELEASES BY AUTHORIZING THE ADOPTION OF RULES TO REQUIRE THE USE OF SECONDARY CONTAINMENT FOR PETROLEUM UNDERGROUND STORAGE TANK SYSTEMS; TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES TO REDUCE CERTAIN TESTING REQUIREMENTS APPLICABLE TO THE LEAKING UNDERGROUND STORAGE TANK CLEANUP PROGRAM TO REDUCE COSTS; TO PROVIDE THAT A MIXED PLUME OF CONTAMINATION THAT RESULTS FROM RELEASES OF PETROLEUM FROM BOTH AN UNDERGROUND STORAGE TANK AND AN ABOVEGROUND STORAGE TANK OR OTHER SOURCE MAY BE CLEANED UP UNDER THE RISK-BASED CLEANUP RULES APPLICABLE TO RELEASES FROM PETROLEUM UNDERGROUND STORAGE TANKS; AND TO AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP PROGRAM IN ORDER TO PROTECT PROPERTY VALUES, ENSURE TIMELY REIMBURSEMENT OF PERSONS WHO ENGAGE IN CLEANUPS, AND PROTECT GROUNDWATER. (Became law upon approval of the Governor, July 27, 2003--S.L. 2003-352.)

H.B. 1114, AN ACT TO MAKE VOLUNTEER FILES MAINTAINED BY LOCAL BOARDS OF EDUCATION PRIVATE. (Became law upon approval of the Governor, August 1, 2003--S.L. 2003-353.)

S.B. 35, AN ACT TO AUTHORIZE CLOVER GARDEN CHARTER SCHOOL TO ELECT TO PARTICIPATE IN THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, TO AUTHORIZE THE STATE BOARD OF EDUCATION TO GRANT OR RENEW CHARTERS FOR CHARTER SCHOOLS FOR PERIODS UP TO TEN YEARS, TO REQUIRE THE STATE BOARD OF EDUCATION TO REVIEW THE OPERATIONS OF CHARTER SCHOOLS AT LEAST EVERY FIVE YEARS, AND TO MODIFY THE AUTHORITY OF THE DUPLIN BOARD OF COUNTY

COMMISSIONERS TO REQUIRE THE REGISTER OF DEEDS IN THE COUNTY NOT TO ACCEPT ANY DEED TRANSFERRING REAL PROPERTY FOR REGISTRATION UNLESS THE COUNTY TAX COLLECTOR CERTIFIES THAT NO DELINQUENT TAXES ARE DUE ON THAT PROPERTY. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-354.)

S.B. 301, AN ACT TO EXTEND TO THE REMAINING TWELVE COUNTIES THE AUTHORITY CURRENTLY GIVEN TO EIGHTY-EIGHT COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR LOCAL BOARDS OF EDUCATION. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-355.)

H.B. 1000, AN ACT TO MODIFY THE UNIVERSITY OF NORTH CAROLINA'S OPTIONAL RETIREMENT PLAN. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-356.)

S.B. 633, AN ACT TO REVISE THE UNIVERSITY OF NORTH CAROLINA SPECIAL OBLIGATION BOND LAW. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-357.)

S.B. 701, AN ACT TO FACILITATE JOB SHARING BY PUBLIC SCHOOL EMPLOYEES. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-358.)

H.B. 331, AN ACT TO MAKE TECHNICAL CHANGES TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, AND THE DISABILITY INCOME PLAN OF NORTH CAROLINA. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-359.)

S.B. 705, 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, August 1, 2003–S.L. 2003-360.)

H.B. 328, AN ACT REVISING REAL ESTATE LICENSING EXAMINATION PROCEDURES, CLARIFYING CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE LICENSEES, AND ENABLING THE REAL ESTATE COMMISSION TO PERMIT LIMITED COMMERCIAL PRACTICE BY NONRESIDENT REAL ESTATE BROKERS. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-361.)

H.B. 543, AN ACT TO INCLUDE DEPUTY FIRE MARSHALS, ASSISTANT FIRE MARSHALS, AND COUNTY FIREFIGHTERS AS ELIGIBLE MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-362.)

H.B. 694, AN ACT TO DESIGNATE THE ASHEBORO MUNICIPAL AIRPORT AS THE OFFICIAL LOCATION OF THE NORTH CAROLINA AVIATION HALL OF FAME AND THE NORTH CAROLINA AVIATION MUSEUM AND TO DESIGNATE THE WILMINGTON INTERNATIONAL AIRPORT AS THE OFFICIAL LOCATION OF THE NORTH CAROLINA MUSEUM OF AVIATION. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-363.)

H.B. 751, AN ACT RELATING TO THE TITLE TO EXISTING LAND AND THE LAND BUILT UP AND CONSTRUCTED IN THE TOWN OF KITTY HAWK IN THE COUNTY OF DARE AS A RESULT OF CERTAIN EROSION CONTROL WORK IN SAID TOWN AND ANNEXING A TRACT TO THE CORPORATE LIMITS OF THAT TOWN. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-364.)

H.B. 819, AN ACT TO STRENGTHEN THE REQUIREMENT THAT THE COUNTY BOARDS OF ELECTIONS MUST PROVIDE BEYOND THE BUFFER ZONE AROUND THE VOTING PLACE A SPACE WHERE CAMPAIGNING AND OTHER ELECTION-RELATED ACTIVITY CAN BE CONDUCTED. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-365.)

H.B. 886, AN ACT TO AMEND CERTAIN PROVISIONS OF ARTICLE 1, CHAPTER 90 OF THE GENERAL STATUTES RELATING TO THE NORTH CAROLINA MEDICAL BOARD AND THE PRACTICE OF MEDICINE. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-366.)

H.B. 974, AN ACT TO PROHIBIT THE PURCHASE OF RECONSTITUTED OR RECOMBINED FLUID MILK BY ANY DEPARTMENT, INSTITUTION, OR AGENCY OF THE STATE. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-367.)

H.B. 1049, AN ACT TO ALLOW LICENSED PSYCHOLOGICAL ASSOCIATES TO RECEIVE PAYMENT FOR SERVICES FROM INSURERS AND TO INCREASE THE FEE THE PSYCHOLOGY BOARD MAY CHARGE FOR A TEMPORARY LICENSE. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-368.)

H.B. 1066, AN ACT TO FACILITATE THE SUBMISSION OF COMPLETE CLAIMS BY PROVIDERS UNDER HEALTH BENEFIT PLANS BY REQUIRING HEALTH BENEFIT PLANS TO DISCLOSE TO CONTRACT PROVIDERS THE PLANS' SCHEDULES OF FEES AND CLAIMS SUBMISSION AND REIMBURSEMENT POLICIES, AND TO PROVIDE NOTICE TO THE PROVIDER PRIOR TO IMPLEMENTING CHANGES TO THE SCHEDULES OR POLICIES. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-369.)

S.B. 847, AN ACT TO CLARIFY LATE FEES CHARGED TO RESIDENTIAL TENANTS. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-370.)

H.B. 1126, AN ACT ESTABLISHING COLLABORATIVE LAW PROCEDURES UNDER CHAPTER 50 OF THE GENERAL STATUTES WHEREBY PARTIES SEEKING A DIVORCE AND THEIR ATTORNEYS MAY SETTLE THEIR DISPUTES BY WRITTEN AGREEMENT WITH LIMITED JUDICIAL INTERVENTION. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-371.)

S.B. 324, AN ACT TO INCREASE THE HOMEOWNERS RECOVERY FUND PERMIT FEE. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-372.)

S.B. 659, AN ACT TO DIRECT THE DEPARTMENT OF THE SECRETARY OF STATE TO INCLUDE IN ITS ANNUAL REPORT INFORMATION REGARDING SOLICITATIONS OF CHARITABLE CONTRIBUTIONS THAT INFORMS THE PUBLIC OF THE PERCENTAGES OF THE SOLICITORS' REVENUES THAT CHARITABLE ORGANIZATIONS OR SPONSORS WILL RECEIVE AS BENEFITS FROM SOLICITATION CAMPAIGNS, TO PROVIDE FOR WIDER DISSEMINATION OF THE ANNUAL REPORT TO THE PUBLIC AND TO EXEMPT CERTAIN NONPROFIT FIRE OR EMERGENCY MEDICAL SERVICE ORGANIZATIONS FROM REPORTING AND OTHER REQUIREMENTS. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-373.)

S.B. 561, AN ACT TO ELIMINATE THE REQUIREMENT THAT NOTICE OF LEGISLATIVE MEETINGS BE POSTED ON THE PRESS ROOM DOOR; TO SUBSTITUTE A REQUIREMENT OF MAILING AND ELECTRONIC POSTING OF THE MEETING NOTICE, AND TO REQUIRE APPOINTING AUTHORITIES TO PROVIDE ADDITIONAL INFORMATION REGARDING APPOINTEES TO CERTAIN STATE COMMISSIONS, COUNCILS, COMMITTEES, AND BOARDS. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-374.)

S.B. 563, AN ACT TO REPEAL THE LAWS REGULATING ATHLETE AGENTS AND TO ADOPT THE UNIFORM ATHLETE AGENTS ACT. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-375.)

H.B. 79, AN ACT TO REQUIRE THAT A DNA SAMPLE BE TAKEN FROM ANY PERSON CONVICTED OF ANY FELONY OR CERTAIN OTHER CRIMINAL OFFENSES OR WHO IS FOUND NOT GUILTY BY REASON OF INSANITY OF ANY FELONY OR CERTAIN OTHER CRIMINAL OFFENSES, TO CLARIFY WHEN THAT SAMPLE IS TAKEN, AND TO CLARIFY CONFIDENTIALITY. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-376.)

H.B. 1026, AN ACT TO MAKE THE PROGRAM FOR THE COLLECTION OF WORTHLESS CHECKS AVAILABLE STATEWIDE. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-377.)

S.B. 693, AN ACT TO AMEND THE LAW REGARDING ENHANCED

SENTENCES AS RECOMMENDED BY THE SENTENCING COMMISSION AND TO MAKE CONFORMING CHANGES. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-378.)

H.B. 1030, AN ACT TO REDUCE THE CONCEALED HANDGUN PERMIT APPLICATION AND RENEWAL FEES FOR QUALIFIED RETIRED SWORN LAW ENFORCEMENT OFFICERS. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-379.)

H.B. 786, AN ACT TO AMEND LIABILITY RULES THAT APPLY TO CIVIL PARKING, RED LIGHT CAMERA, AND PHOTOGRAPHIC SPEED-MEASURING SYSTEM ENFORCEMENT ACTIONS. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-380.)

S.B. 753, AN ACT TO AMEND THE QUALIFICATIONS FOR PERSONS NOMINATED AS MAGISTRATES AND TO ESTABLISH A PILOT PROGRAM IN TWELFTH JUDICIAL DISTRICT TO ADDRESS CONFLICTING CHILD CUSTODY ORDERS. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-381.)

S.B. 996, AN ACT TO PREVENT THE NEGATIVE SECONDARY EFFECTS CAUSED BY SEXUALLY EXPLICIT CONDUCT ON PREMISES LICENSED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION. (Became law upon approval of the Governor, August 1, 2003–S.L. 2003-382.)

H.B. 48, AN ACT TO IMPLEMENT THE NORTH CAROLINA MOVING AHEAD TRANSPORTATION INITIATIVE BY ALLOWING CASH BALANCES IN THE HIGHWAY TRUST FUND TO BE USED TO MEET CRUCIAL TRANSPORTATION NEEDS, TO REQUIRE FUNDS DESIGNATED BY THIS ACT FOR PRESERVATION, MODERNIZATION, AND MAINTENANCE BE EXPENDED IN ACCORDANCE WITH THE EQUITY DISTRIBUTION FORMULA, TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CERTIFY THAT USE OF FUNDS IN ACCORDANCE WITH THIS ACT WILL NOT DELAY CONSTRUCTION OF ANY HIGHWAY TRUST FUND PROJECT, TO REAFFIRM THE INTENT OF THE GENERAL ASSEMBLY THAT PROCEEDS FROM THE ISSUANCE OF BONDS UNDER AUTHORITY OF THE STATE HIGHWAY BOND ACT OF 1996 SHALL BE USED FOR THE PURPOSES STATED IN THAT ACT, AND FOR NO OTHER PURPOSE, TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY SOLUTIONS TO NORTH CAROLINA'S URBAN TRANSPORTATION NEEDS, TO REQUIRE FUNDS TRANSFERRED FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND TO BE REPAYED, TO DELAY IMPLEMENTATION OF AGRICULTURAL VEHICLE ESCORT TRAINING AND CERTIFICATION, AND TO ALLOW FARMERS TO MOVE EQUIPMENT BETWEEN FARMS WITHOUT A FLAGMAN. (Became law upon approval of the Governor, August 7, 2003–S.L. 2003-383.)

H.B. 1257, AN ACT AMENDING VARIOUS PROVISIONS OF THE RESPIRATORY CARE PRACTICE ACT. (Became law upon approval of the Governor, August 7, 2003–S.L. 2003-384.)

H.B. 223, AN ACT TO PERMIT THE STATE BOARD OF COMMUNITY COLLEGES TO USE CERTAIN FUNDS TO PROVIDE FINANCIAL ASSISTANCE TO STUDENTS WITH DISABILITIES. (Became law upon approval of the Governor, August 7, 2003--S.L. 2003-385.)

H.B. 999, AN ACT MAKING VOID AND UNENFORCEABLE AS A MATTER OF PUBLIC POLICY ANY PROVISION IN ANY AGREEMENT OR CONTRACT THAT PROHIBITS THE REUSING, REMANUFACTURING, OR REFILLING OF A TONER OR INKJET CARTRIDGE. (Became law upon approval of the Governor, August 7, 2003--S.L. 2003-386.)

H.B. 1062, AN ACT TO REQUIRE COMMUNITY WATER SYSTEMS THAT REGULARLY SERVE ONE THOUSAND OR MORE SERVICE CONNECTIONS OR THREE THOUSAND OR MORE INDIVIDUALS TO PREPARE LOCAL WATER SUPPLY PLANS, TO PROVIDE THAT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES SHALL ESTABLISH A DROUGHT MANAGEMENT ADVISORY COUNCIL, AND TO AUTHORIZE THE COUNCIL TO ISSUE DROUGHT ADVISORIES. (Became law upon approval of the Governor, August 7, 2003--S.L. 2003-387.)

S.B. 679, AN ACT TO MODIFY THE PUBLIC FINANCING LAWS OF THE STATE. (Became law upon approval of the Governor, August 7, 2003--S.L. 2003-388.)

S.B. 751, AN ACT TO AUTHORIZE THE COMMISSIONER OF AGRICULTURE TO IMPOSE CIVIL PENALTIES FOR VIOLATIONS OF THE NORTH CAROLINA FOOD, DRUG AND COSMETIC ACT. (Became law upon approval of the Governor, August 7, 2003--S.L. 2003-389.)

H.B. 815, AN ACT TO AMEND THE DEFINITION OF CHEMICAL DEPENDENCY TREATMENT FACILITY TO PROVIDE THAT SOCIAL SETTING DETOXIFICATION FACILITIES AND MEDICAL DETOXIFICATION FACILITIES ARE NOT CHEMICAL DEPENDENCY TREATMENT FACILITIES FOR THE PURPOSES OF CERTIFICATE OF NEED REQUIREMENTS AND TO AMEND THE DEFINITION OF CHEMICAL DEPENDENCY TREATMENT BED TO PROVIDE THAT BEDS LICENSED FOR DETOXIFICATION ARE NOT CHEMICAL DEPENDENCY TREATMENT BEDS FOR THE PURPOSES OF CERTIFICATE OF NEED REQUIREMENTS; AND TO PROVIDE THAT SOCIAL SETTING DETOXIFICATION FACILITIES AND MEDICAL DETOXIFICATION FACILITIES SHALL NOT DENY ADMISSION OR TREATMENT TO AN INDIVIDUAL ON THE BASIS OF THE INDIVIDUAL'S INABILITY TO PAY. (Became law upon approval of the Governor, August 7, 2003--S.L. 2003-390.)

H.B. 932, AN ACT ESTABLISHING REGIONAL INTERAGENCY COORDINATING COUNCILS UNDER THE LAWS RELATING TO EARLY INTERVENTION SERVICES FOR CHILDREN FROM BIRTH TO FIVE YEARS OF AGE WITH DISABILITIES. (Became law upon approval of the Governor, August 7, 2003--S.L. 2003-391.)

S.B. 661, AN ACT TO PROVIDE THAT WHEN A LOCAL CONFINEMENT FACILITY TRANSFERS A PRISONER TO ANOTHER LOCAL CONFINEMENT FACILITY THE TRANSFERRING FACILITY PROVIDES TO THE RECEIVING FACILITY HEALTH INFORMATION ABOUT THE TRANSFERRED PRISONER; AND TO MAKE CHANGES TO THE EMERGENCY MEDICAL SERVICES ACT, TO INCREASE THE CRIMINAL PENALTY FOR DAMAGING A PUBLIC BUILDING WITH AN EXPLOSIVE OR INCENDIARY DEVICE OR MATERIAL, AND TO CREATE THE OFFENSE OF ARSON OR OTHER UNLAWFUL BURNINGS THAT RESULT IN SERIOUS INJURY TO A FIREFIGHTER OR EMERGENCY MEDICAL TECHNICIAN. (Became law upon approval of the Governor, August 7, 2003–S.L. 2003-392.)

S.B. 1016, AN ACT REQUIRING NURSING HOMES TO ESTABLISH A MEDICATION MANAGEMENT ADVISORY COMMITTEE AND SPECIFYING THE DUTIES OF THE COMMITTEE AND TO REQUIRE NURSING HOMES TO DO CERTAIN THINGS PERTAINING TO THE REDUCTION OF MEDICATION-RELATED ERRORS TO INCREASE PATIENT SAFETY. (Became law upon approval of the Governor, August 7, 2003–S.L. 2003-393.)

H.B. 963, AN ACT TO PROVIDE THAT CERTAIN PERSONS CONVICTED OF LEAVING THE SCENE OF AN ACCIDENT INVOLVING PERSONAL INJURY OR DEATH MAY LOSE THEIR LICENSE FOR A PERIOD OF TWO YEARS. (Became law upon approval of the Governor, August 7, 2003–S.L. 2003-394.)

H.B. 986, AN ACT TO REQUIRE A MOTOR VEHICLE INSURER TO DISCLOSE ANY FINANCIAL INTEREST IN A RECOMMENDED REPAIR FACILITY OR SERVICE AND REQUIRING AN INSURER TO DISCLOSE THE USE OF NONORIGINAL CRASH REPAIR PARTS OR NONORIGINAL AUTO GLASS FOR MOTOR VEHICLE REPAIRS. (Became law upon approval of the Governor, August 7, 2003–S.L. 2003-395.)

S.B. 934, AN ACT TO ESTABLISH A REGISTRATION FEE FOR THE AUTHORIZATION OF A PRIVATE FACILITY TO SERVE DWI OFFENDERS AND TO REQUIRE THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO STUDY THE SUBSTANCE ABUSE SERVICES OFFERED BY AN ASSESSING AGENCY AND THE ADEQUACY OF THE FEE IMPOSED FOR A SUBSTANCE ABUSE ASSESSMENT CONDUCTED BY AN ASSESSING AGENCY. (Became law upon approval of the Governor, August 7, 2003–S.L. 2003-396.)

S.B. 61, AN ACT TO BRING STATE LAW INTO COMPLIANCE WITH RECENTLY ADOPTED FEDERAL REGULATIONS CONCERNING THE EFFECT OF VIOLATION OF RAILROAD CROSSING SAFETY AND OTHER STATE LAWS ON COMMERCIAL DRIVERS LICENSES, AND REQUIRING A NEW "S" ENDORSEMENT FOR PERSONS OPERATING SCHOOL BUSES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, AND TO AUTHORIZE A STUDY OF THE NEED

FOR A MOPED IDENTIFICATION TAG PROGRAM. (Became law upon approval of the Governor, August 7, 2003–S.L. 2003-397.)

H.B. 860, AN ACT TO AMEND THE REGISTRATION REQUIREMENTS AND FEES TO ENGAGE IN CERTAIN ACTIVITIES WITH CONTROLLED SUBSTANCES. (Became law upon approval of the Governor, August 7, 2003–S.L. 2003-398.)

H.B. 972, AN ACT TO ALLOW AN INTERNET-BASED ALTERNATIVE TO PROPERTY TAX CERTIFICATION PROCEDURES. (Became law upon approval of the Governor, August 7, 2003–S.L. 2003-399.)

H.B. 1006, AN ACT TO GRANT GREATER CONSUMER PROTECTION TO RESIDENTS OF MANUFACTURED HOUSING IN NORTH CAROLINA, TO CLARIFY THE SALES TAX ON MODULAR HOMES, AND TO ESTABLISH MINIMUM CONSTRUCTION AND DESIGN STANDARDS FOR SINGLE-FAMILY MODULAR HOMES. (Became law upon approval of the Governor, August 7, 2003–S.L. 2003-400.)

H.B. 1182, AN ACT TO EXPAND THE USURY EXEMPTION. (Became law upon approval of the Governor, August 7, 2003–S.L. 2003-401.)

S.B. 668, AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE WINE SHIPPERS PERMITS TO ALLOW THE DIRECT SHIPMENT OF WINES TO RESIDENTS OF NORTH CAROLINA AND TO ESTABLISH A MECHANISM FOR COLLECTING THE TAXES DUE ON WINE SHIPPED TO NORTH CAROLINA. (Became law upon approval of the Governor, August 7, 2003–S.L. 2003-402.)

S.B. 725, AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PERMIT CITIES AND COUNTIES TO INCUR OBLIGATIONS TO FINANCE THE PUBLIC PORTION OF CERTAIN ECONOMIC DEVELOPMENT PROJECTS. (Became law upon approval of the Governor, August 7, 2003–S.L. 2003-403.)

S.B. 819, AN ACT REGARDING THE SALE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC DISTRICT. (Became law upon approval of the Governor, August 7, 2003–S.L. 2003-404.)

H.B. 1241, AN ACT TO DELAY THE REINSTATEMENT OF THE TWENTY PERCENT UNEMPLOYMENT INSURANCE SURTAX. (Became law upon approval of the Governor, August 12, 2003–S.L. 2003-405.)

S.B. 226, AN ACT TO PROHIBIT THE ADMINISTRATION OF MEDICATION TO A CHILD IN A LICENSED OR UNLICENSED CHILD CARE FACILITY WITHOUT PROPER AUTHORIZATION FROM THE CHILD'S PARENT OR GUARDIAN. (Became law upon approval of the Governor, August 13, 2003–S.L. 2003-406.)

H.B. 152, AN ACT TO REQUIRE CHILD CARE FACILITIES TO DEVELOP AND MAINTAIN A SAFE SLEEP POLICY THAT INCLUDES REQUIRING CAREGIVERS TO PLACE CHILDREN ON THEIR BACK TO SLEEP TO REDUCE THE RISK OF SUDDEN INFANT DEATH SYNDROME (SIDS), AND TO REQUIRE CERTAIN AGENCIES AND THE MEDICAL COMMUNITY TO COOPERATE IN INVESTIGATING REPORTS OF CHILD ABUSE AND NEGLECT IN CHILD CARE FACILITIES. (Became law upon approval of the Governor, August 13, 2003–S.L. 2003-407.)

S.B. 993, AN ACT TO ENHANCE THE ABILITY OF THE STATE BOARD OF EDUCATION TO SAFEGUARD SCHOOLCHILDREN THROUGH AUTOMATIC REVOCATION OF TEACHER CERTIFICATES UPON CONVICTION OF CERTAIN CRIMES, AND THE USE OF INVESTIGATIVE SERVICES AS NEEDED. (Became law upon approval of the Governor, August 13, 2003–S.L. 2003-408.)

H.B. 926, AN ACT TO ENHANCE THE PENALTY FOR AN ASSAULT IN THE PRESENCE OF A MINOR. (Became law upon approval of the Governor, August 13, 2003–S.L. 2003-409.)

S.B. 919, AN ACT TO ENHANCE THE SAFETY OF VICTIMS IN SERIOUS DOMESTIC VIOLENCE CASES. (Became law upon approval of the Governor, August 13, 2003–S.L. 2003-410.)

S.B. 872, AN ACT TO INCREASE PROTECTIONS FOR TELEPHONE SUBSCRIBERS WHO WISH TO STOP UNWANTED TELEPHONE SOLICITATIONS AND FOR CONSUMERS WHO ENTER INTO TELEMARKETING TRANSACTIONS. (Became law upon approval of the Governor, August 14, 2003–S.L. 2003-411.)

S.B. 963, AN ACT TO PROHIBIT SELLERS FROM CHARGING EXCESSIVE PRICES ON THEIR MERCHANDISE AND SERVICES DURING DECLARED STATES OF DISASTER. (Became law upon approval of the Governor, August 14, 2003–S.L. 2003-412.)

S.B. 925, AN ACT TO STRENGTHEN THE LAWS TO PREVENT SECURITIES FRAUD AND TO CLARIFY THE PROHIBITION ON STATE CONTRACTS 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. (Became law upon approval of the Governor, August 14, 2003–S.L. 2003-413.)

H.B. 1294, AN ACT TO EXPAND THE QUALIFIED BUSINESS INVESTMENTS TAX CREDIT AND TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT. (Became law upon approval of the Governor, August 14, 2003–S.L. 2003-414.)

S.B. 119, AN ACT TO EXPAND THE TAX CREDITS FOR HISTORIC REHABILITATION BY EXTENDING THE SUNSET ON A PROVISION

ALLOWING A PASS-THROUGH ENTITY TO ALLOCATE AMONG ITS OWNERS THE TAX CREDIT FOR INCOME-PRODUCING STRUCTURES AND INCREASING THE AMOUNT THAT MAY BE ALLOCATED TO AN OWNER UNDER THIS PROVISION. (Became law upon approval of the Governor, August 14, 2003–S.L. 2003-415.)

S.B. 97, AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES. (Became law upon approval of the Governor, August 14, 2003–S.L. 2003-416.)

H.B. 1301, AN ACT TO AUTHORIZE LOCAL GOVERNMENTS THAT ARE JOINTLY UNDERTAKING A DEVELOPMENT PROJECT TO ENTER INTO AGREEMENTS TO FINANCE THE PROJECT. (Became law upon approval of the Governor, August 14, 2003–S.L. 2003-417.)

S.B. 168, AN ACT TO PROVIDE FOR THE CREATION OF ECONOMIC DEVELOPMENT AND TRAINING DISTRICTS. (Became law upon approval of the Governor, August 14, 2003–S.L. 2003-418.)

H.B. 797, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ASSIST LOCAL SCHOOL ADMINISTRATIVE UNITS ON THE IMPLEMENTATION OF THE NO CHILD LEFT BEHIND ACT OF 2001. (Became law upon approval of the Governor, August 14, 2003–S.L. 2003-419.)

S.B. 550, AN ACT TO IMPROVE AND STRENGTHEN CREMATION LAW IN NORTH CAROLINA AND TO IMPROVE AND MAKE TECHNICAL CORRECTIONS TO THE FUNERAL LAW. (Became law upon approval of the Governor, August 14, 2003–S.L. 2003-420.)

S.B. 583, AN ACT TO PROTECT CHILDREN IN THE PUBLIC SCHOOLS FROM EXPOSURE TO TOBACCO BY REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT WRITTEN POLICIES PROHIBITING THE USE OF TOBACCO PRODUCTS IN PUBLIC SCHOOL BUILDINGS. (Became law upon approval of the Governor, August 14, 2003–S.L. 2003-421.)

S.B. 831, AN ACT TO PROVIDE FOR IMPROVED STAGGERED TERMS OF THE MEMBERS OF THE CLEAN WATER MANAGEMENT FUND BOARD OF TRUSTEES, TO INCREASE THE NUMBER OF MEMBERS OF THE BOARD, AND TO MAKE APPOINTMENTS TO THE BOARD. (Became law upon approval of the Governor, August 14, 2003–S.L. 2003-422.)

S.B. 965, AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE THAT THE GENERAL ASSEMBLY MAY PLACE THE CLEAR PROCEEDS OF CIVIL PENALTIES, CIVIL FORFEITURES, AND CIVIL FINES COLLECTED BY A STATE AGENCY IN A STATE FUND TO BE USED EXCLUSIVELY FOR MAINTAINING FREE PUBLIC SCHOOLS. (Became law upon approval of the Governor, August 14, 2003–S.L. 2003-423.)

H.B. 855, AN ACT TO INCREASE THE FEE FOR A PERSONALIZED

REGISTRATION PLATE BY TEN DOLLARS AND TO CREDIT THE INCREASED FEE REVENUE TO THE NATURAL HERITAGE TRUST FUND AND THE PARKS AND RECREATION TRUST FUND, TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY VARIOUS ISSUES RELATED TO SPECIAL REGISTRATION PLATES, TO ALLOW THE NC COASTAL FEDERATION SPECIAL PLATE TO HAVE A DIFFERENT PLATE BACKGROUND, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: ALTERNATIVE FUEL VEHICLES, BE ACTIVE NC, BLUE RIDGE PARKWAY FOUNDATION, BREAST CANCER AWARENESS, BUFFALO SOLDIERS, CELEBRATE ADOPTION, CRYSTAL COAST ARTIFICIAL REEF ASSOCIATION, DELTA SIGMA THETA SORORITY, FRATERNAL ORDER OF POLICE, FRIENDS OF THE APPALACHIAN TRAIL, MOTHERS AGAINST DRUNK DRIVING, POW/MIA, RED HAT SOCIETY, RETIRED LAW ENFORCEMENT OFFICERS, SURVEYORS, AND ZETA PHI BETA SORORITY. (Became law upon approval of the Governor, August 14, 2003–S.L. 2003-424.)

H.B. 1194, AN ACT TO CREATE THE "E-NC" AUTHORITY TO CONTINUE THE WORK OF THE RURAL INTERNET ACCESS AUTHORITY. (Became law upon approval of the Governor, August 14, 2003–S.L. 2003-425.)

H.B. 47, AN ACT ADOPTING THE CAROLINA LILY AS THE OFFICIAL WILDFLOWER OF NORTH CAROLINA. (Became law upon approval of the Governor, August 19, 2003–S.L. 2003-426.)

H.B. 1028, AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES TO ESTABLISH A GENERAL PERMIT FOR THE CONSTRUCTION OF RIPRAP SILLS FOR WETLAND ENHANCEMENT AND SHORELINE PROTECTION IN ESTUARINE AND PUBLIC TRUST WATERS, TO PROHIBIT THE CONSTRUCTION OF PERMANENT EROSION CONTROL STRUCTURES IN OCEAN SHORELINES, AND TO PROVIDE THAT TEMPORARY EROSION CONTROL STRUCTURES IN OCEAN SHORELINES SHALL BE LIMITED TO SANDBAGS. (Became law upon approval of the Governor, August 19, 2003–S.L. 2003-427.)

S.B. 945, AN ACT TO CLARIFY THE EXTENT TO WHICH A PROSPECTIVE APPLICANT FOR AN AIR QUALITY PERMIT FOR A NEW FACILITY MAY ENGAGE IN CONSTRUCTION PRIOR TO OBTAINING THE AIR QUALITY PERMIT AND TO SPECIFY THE CIRCUMSTANCES UNDER WHICH A PERSON WHO HOLDS AN AIR QUALITY PERMIT MAY ALTER OR EXPAND THE FACILITY UPON GIVING NOTICE TO THE ENVIRONMENTAL MANAGEMENT COMMISSION AND THE PUBLIC OF THE PERMITTEE'S INTENT TO APPLY FOR MODIFICATION OF THE PERMIT. (Became law upon approval of the Governor, August 19, 2003–S.L. 2003-428.)

H.B. 150, AN ACT TO PROVIDE CRITERIA FOR AWARDING STATE

GRANTS TO STUDENTS ATTENDING CERTAIN ACCREDITED INSTITUTIONS OF HIGHER EDUCATION. (Became law upon approval of the Governor, August 19, 2003–S.L. 2003-429.)

S.B. 750, AN ACT TO INCREASE THE CEILING THAT A SMALL BREWERY MAY PRODUCE WITHOUT BEING REQUIRED TO GO THROUGH A MALT BEVERAGE DISTRIBUTOR. (Became law upon approval of the Governor, August 19, 2003–S.L. 2003-430.)

S.B. 100, AN ACT TO PROMOTE EFFICIENCY IN STATE GOVERNMENT BY ALLOWING A SALES AND USE TAX EXEMPTION FOR STATE AGENCIES INSTEAD OF A SALES AND USE TAX REFUND TO STATE AGENCIES AND TO ALLOW A SALES AND USE TAX REFUND TO SCHOOL BOARD COOPERATIVES. (Became law upon approval of the Governor, August 19, 2003–S.L. 2003-431.)

H.B. 754, AN ACT TO PLACE A MORATORIUM UNTIL DECEMBER 31, 2004, ON THE ENACTMENT OF NEW OR EXPANDED ORDINANCES AMORTIZING OFF PREMISES OUTDOOR ADVERTISING BY LOCAL GOVERNMENTS, AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE ISSUE. (Became law upon approval of the Governor, August 19, 2003–S.L. 2003-432.)

H.B. 566, AN ACT TO APPROVE IN PART AND TO DEFER ACTION ON PART OF THE ADMINISTRATIVE RULE RECLASSIFICATION BY THE ENVIRONMENTAL MANAGEMENT COMMISSION OF PORTIONS OF SWIFT CREEK AND SANDY CREEK IN THE TAR-PAMLICO RIVER BASIN AND TO AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION TO EVALUATE HOW BEST TO PROTECT WATER QUALITY AND ENDANGERED SPECIES IN THE EASTERN PORTION OF SWIFT CREEK AND ITS WATERSHED. (Became law upon approval of the Governor, August 19, 2003–S.L. 2003-433.)

APPENDIX

SENATE JOURNAL

FIRST SESSION

2003



**NORTH CAROLINA GENERAL ASSEMBLY
SENATORIAL DISTRICTS**

DISTRICTS (Seats)	COUNTIES Townships, Precincts, Census Tracts, Block Groups
1st (1)	BEAUFORT; CAMDEN; CHOWAN; CURRITUCK; DARE; HYDE; PASQUOTANK; PERQUIMANS.
2nd (1)	CARTERET; CRAVEN; PAMLICO.
3rd (1)	BERTIE; EDGECOMBE; MARTIN; TYRRELL; WASHINGTON; PITT (Precinct 3.01, Precinct 4.01, Precinct 5.01, Precinct 12.01, Precinct 15.01, Precinct 15.03, Precinct 15.04, Precinct 15.06, Precinct 15.05A, Precinct 15.05B).
4th (1)	GATES; HALIFAX; HERTFORD; NORTHAMPTON; WARREN; VANCE (Precinct EAST HENDERSON 1, Precinct EAST HENDERSON 2, Precinct NORTH HENDERSON 1, Precinct NORTH HENDERSON 2, Precinct SOUTH HENDERSON 1, Precinct HILLTOP, Precinct MIDDLEBURG, Precinct TOWNSVILLE, Precinct WILLIAMSBORO).
5th (1)	WILSON; PITT (Precinct 1.01, Precinct 6.01, Precinct 7.01, Precinct 9.01, Precinct 10.01, Precinct 11.01, Precinct 13.01, Precinct 14.02, Precinct 15.09, Precinct 2.00A, Precinct 2.00B, Precinct 8.00A, Precinct 8.00B, Precinct 11.02A, Precinct 11.02B, Precinct 14.03A, Precinct 14.03B, Precinct 15.07A, Precinct 15.07B, Precinct 15.07C, Precinct 15.08A, Precinct 15.08B, Precinct 15.10A, Precinct 15.10B, Precinct 15.11A, Precinct 15.11B, Precinct 15.12A, Precinct 15.12B).
6th (1)	JONES; ONSLOW.
7th (1)	GREENE; LENOIR; WAYNE (Precinct 7, Precinct 9, Precinct 10, Precinct 11, Precinct 12, Precinct 13, Precinct 14, Precinct 15, Precinct 17, Precinct 18, Precinct 19, Precinct 20, Precinct 21, Precinct 22, Precinct 23, Precinct 25, Precinct 26, Precinct 27, Precinct 28, Precinct 29, Precinct 30).
8th (1)	BRUNSWICK; COLUMBUS; PENDER.
9th (1)	NEW HANOVER.
10th (1)	DUPLIN; SAMPSON; HARNETT (Precinct AVERASBORO 1, Precinct AVERASBORO 2, Precinct AVERASBORO 3, Precinct AVERASBORO 4, Precinct AVERASBORO 5, Precinct BLACK RIVER, Precinct DUKE1, Precinct DUKE2, Precinct DUKE3, Precinct GROVE 1, Precinct GROVE 2, Precinct LILLINGTON, Precinct NEILLS CREEK 1, Precinct NEILLS CREEK 2, Precinct STEWARTS CREEK).

DISTRICTS COUNTIES

(Seats) Townships, Precincts, Census Tracts, Block Groups

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- 11th (1) **FRANKLIN; NASH; VANCE** (Precinct SOUTH HENDERSON 2, Precinct WEST HENDERSON 1, Precinct WEST HENDERSON 2, Precinct DABNEY, Precinct KITTRELL, Precinct SANDY CREEK, Precinct WATKINS).
- 12th (1) **JOHNSTON; WAYNE** (Precinct 1, Precinct 2, Precinct 3, Precinct 4, Precinct 5, Precinct 6, Precinct 8, Precinct 16, Precinct 24).
- 13th (1) **HOKE; ROBESON**.
- 14th (1) **WAKE** (Precinct 01-13, Precinct 01-14, Precinct 01-19, Precinct 01-20, Precinct 01-21, Precinct 01-22, Precinct 01-25, Precinct 01-26, Precinct 01-27, Precinct 01-28, Precinct 01-34, Precinct 01-35, Precinct 01-38, Precinct 01-40, Precinct 01-44: **Tract 540.04**: Block Group 1: Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030; **Tract 540.10**: Block Group 2: Block 2004, Block 2005, Block 2006, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023; Precinct 01-46, Precinct 09-01, Precinct 09-02, Precinct 10-01, Precinct 10-02, Precinct 10-03, Precinct 10-04, Precinct 13-01, Precinct 13-02: **Tract 540.09**: Block Group 2: Block 2061, Block 2079, Block 2080, Block 2081; **Tract 540.10**: Block Group 1: Block 1000, Block 1057, Block 1058, Block 1059, Block 1060, Block 1061, Block 1062, Block 1063, Block 1085, Block 1086, Block 1087, Block 1088, Block 1091, Block 1092, Block 1093, Block 1094, Block 1095, Block 1096, Block 1997, Block 1998, Block 1999; Block Group 2: Block 2000, Block 2001, Block 2025, Block 2026, Block 2027, Block 2028; Precinct 13-03, Precinct 16-01: **Tract 528.03**: Block Group 2: Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034, Block 2035; **Tract 528.04**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034, Block 2035, Block 2036, Block 2037, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2046, Block 2047, Block 2048, Block 2999; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013; **Tract 528.05**: Block Group 1: Block 1005; Precinct 16-02, Precinct 17-01, Precinct 17-02, Precinct 17-03, Precinct 17-04, Precinct 17-05, Precinct 17-06, Precinct 17-07).

DISTRICTS (Seats)	COUNTIES Townships, Precincts, Census Tracts, Block Groups
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- 15th (1) **WAKE** (Precinct 01-10, Precinct 01-12, Precinct 01-15, Precinct 01-18, Precinct 01-36, Precinct 01-37, Precinct 01-39, Precinct 01-42, Precinct 01-43, Precinct 01-44: **Tract 540.04**: Block Group 1: Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1031; Precinct 01-45, Precinct 01-47, Precinct 01-51, Precinct 02-01, Precinct 02-02, Precinct 02-03, Precinct 02-04, Precinct 02-05, Precinct 02-06, Precinct 07-02, Precinct 07-03, Precinct 07-04, Precinct 07-05, Precinct 07-06, Precinct 07-07, Precinct 07-11, Precinct 08-01, Precinct 08-02, Precinct 08-03, Precinct 08-04, Precinct 08-05, Precinct 08-06, Precinct 08-08, Precinct 13-02: **Tract 540.09**: Block Group 2: Block 2000, Block 2001, Block 2002, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034, Block 2035, Block 2036, Block 2037, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2046, Block 2047, Block 2048, Block 2049, Block 2050, Block 2051, Block 2052, Block 2053, Block 2054, Block 2055, Block 2056, Block 2057, Block 2058, Block 2059, Block 2060, Block 2999; **Tract 540.10**: Block Group 1: Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1041, Block 1042, Block 1043, Block 1044, Block 1045, Block 1046, Block 1047, Block 1048, Block 1049, Block 1050, Block 1051, Block 1052, Block 1053, Block 1054, Block 1055, Block 1056, Block 1064, Block 1065, Block 1066, Block 1067, Block 1068, Block 1069, Block 1070, Block 1071, Block 1072, Block 1073, Block 1074, Block 1075, Block 1076, Block 1077, Block 1078, Block 1079, Block 1080, Block 1081, Block 1082, Block 1083, Block 1084, Block 1089, Block 1090; Block Group 2: Block 2002, Block 2003; **Tract 542.01**: Block Group 5: Block 5999; Precinct 14-01, Precinct 14-02, Precinct 19-01, Precinct 19-02, Precinct 19-03, Precinct 19-04, Precinct 19-05, Precinct 19-06, Precinct 19-07, Precinct 19-08).
- 16th (1) **WAKE** (Precinct 01-01, Precinct 01-02, Precinct 01-03, Precinct 01-04, Precinct 01-05, Precinct 01-06, Precinct 01-07, Precinct 01-09, Precinct 01-11, Precinct 01-16, Precinct 01-17, Precinct 01-23, Precinct 01-29, Precinct 01-30, Precinct 01-31, Precinct 01-32, Precinct 01-33, Precinct 01-41, Precinct 01-48, Precinct 01-49, Precinct 04-01, Precinct 04-02, Precinct 04-03, Precinct 04-04, Precinct 04-05, Precinct 04-08,

DISTRICTS COUNTIES

(Seats) Townships, Precincts, Census Tracts, Block Groups

- 16th (1) Precinct 04-09, Precinct 04-11, Precinct 04-13, Precinct 04-15, Precinct
(continued) 04-17, Precinct 04-18, Precinct 04-19, Precinct 05-00, Precinct 07-01,
Precinct 07-09, Precinct 07-10, Precinct 07-12, Precinct 11-01, Precinct
11-02, Precinct 20-02, Precinct 20-04, Precinct 20-10).
- 17th (1) **WAKE** (Precinct 03-00, Precinct 04-06, Precinct 04-07, Precinct 04-
10, Precinct 04-12, Precinct 04-14, Precinct 04-16, Precinct 06-01,
Precinct 06-02, Precinct 06-03, Precinct 12-01, Precinct 12-02, Precinct
12-03, Precinct 12-04, Precinct 12-06, Precinct 15-01, Precinct 15-02,
Precinct 16-01: **Tract 528.05**: Block Group 1: Block 1000, Block
1001, Block 1002, Block 1003, Block 1004, Block 1006, Block 1007,
Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block
1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018,
Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block
1024, Block 1061; Precinct 16-03, Precinct 16-04, Precinct 16-05,
Precinct 16-06, Precinct 16-07, Precinct 18-01, Precinct 18-02, Precinct
18-03, Precinct 18-04, Precinct 18-05, Precinct 18-06, Precinct 18-08,
Precinct 20-01, Precinct 20-03, Precinct 20-05, Precinct 20-06).
- 18th (1) **GRANVILLE; PERSON; DURHAM** (Precinct 3, Precinct 4,
Precinct 16, Precinct 24: **Tract 17.05**: Block Group 2: Block 2000,
Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block
2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2012,
Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block
2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023;
Tract 17.07: Block Group 1: Block 1006, Block 1007, Block 1008,
Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block
1017; Precinct 25, Precinct 26, Precinct 27, Precinct 28, Precinct 35,
Precinct 37: **Tract 17.05**: Block Group 2: Block 2011; **Tract 17.07**:
Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003,
Block 1004, Block 1005, Block 1014, Block 1015, Block 1016, Block
1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023,
Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block
1029; Block Group 2: Block 2000, Block 2001, Block 2002, Block
2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008,
Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block
2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019,
Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block
2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030,
Block 2031, Block 2032, Block 2033, Block 2034, Block 2035, Block
2036; **Tract 17.11**: Block Group 1: Block 1000, Block 1001, Block
1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007,
Block 1008, Block 1009, Block 1010, Block 1011; Precinct 38,
Precinct 39: **Tract 20.08**: Block Group 1: Block 1000, Block 1001,
Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block
1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012,
Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block

DISTRICTS COUNTIES

(Seats) Townships, Precincts, Census Tracts, Block Groups

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- 18th (1) 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023,
(continued) Block 1024, Block 1025, Block 1026, Block 1027, Block 1028,
Block1029, Block 1030; Block Group 2: Block 2000, Block 2001,
Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block
2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012,
Block 2013, Block 2014, Block 2015, Block 2016, Block 2017;
Precinct 43, Precinct 44, Precinct 45, Precinct 50, Precinct 53).
- 19th (1) **BLADEN; CUMBERLAND** (Precinct CROSS CREEK 4, Precinct
CROSS CREEK 7, Precinct CROSS CREEK 8, Precinct
CUMBERLAND 1, Precinct CUMBERLAND 2, Precinct
CUMBERLAND 3, Precinct HOPE MILLS 1, Precinct HOPE MILLS 2,
Precinct HOPE MILLS 3, Precinct PEARCES MILL 2, Precinct
PEARCES MILL 3, Precinct PEARCES MILL 4, Precinct
ALDERMAN, Precinct BEAVER DAM, Precinct BLACK RIVER,
Precinct CROSS CREEK 10, Precinct CROSS CREEK 12, Precinct
CROSS CREEK 14, Precinct CROSS CREEK 15, Precinct CROSS
CREEK 18, Precinct CROSS CREEK 20, Precinct CROSS CREEK 23,
Precinct CROSS CREEK 24, Precinct CROSS CREEK 30, Precinct
CROSS CREEK 31, Precinct CROSS CREEK 34, Precinct CEDAR
CREEK, Precinct EASTOVER, Precinct JUDSON/VANDER, Precinct
LINDEN, Precinct LONG HILL, Precinct SHERWOOD, Precinct
STONEY POINT, Precinct STEDMAN, Precinct WADE).
- 20th (1) **DURHAM** (Precinct 1, Precinct 2, Precinct 5, Precinct 6, Precinct 7,
Precinct 8, Precinct 9, Precinct 10, Precinct 11, Precinct 12, Precinct 13,
Precinct 14, Precinct 15, Precinct 17, Precinct 18, Precinct 19, Precinct 20,
Precinct 21, Precinct 22, Precinct 23, Precinct 24: **Tract 17.05**: Block
Group 1: Block 1013, Block 1014, Block 1015, Block 1016, Block 1017,
Block 1018, Block 1019, Block 1020, Block 1021; Block Group 3: Block
3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3010;
Tract 17.11: Block Group 3: Block 3000, Block 3001, Block 3002, Block
3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008,
Block 3009, Block 3010, Block 3011, Block 3012; Precinct 29, Precinct
30, Precinct 31, Precinct 32, Precinct 33, Precinct 34, Precinct 36, Precinct
37: **Tract 17.11**: Block Group 1: Block 1012, Block 1013, Block 1014,
Block 1015, Block 1016; Precinct 39: **Tract 20.07**: Block Group 3: Block
3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005,
Block 3006, Block 3007, Block 3008, Block 3009; Precinct 40, Precinct
41, Precinct 42, Precinct 46, Precinct 47, Precinct 48, Precinct 49,
Precinct 51, Precinct 52, Precinct 54).
- 21st (1) **CUMBERLAND** (Precinct CROSS CREEK 1, Precinct CROSS
CREEK 2, Precinct CROSS CREEK 3, Precinct CROSS CREEK 5,
Precinct CROSS CREEK 6, Precinct CROSS CREEK 9, Precinct
MORGANTON ROAD, Precinct ARRAN HILLS, Precinct AUMAN,
Precinct BRENTWOOD, Precinct CROSS CREEK 11, Precinct

DISTRICTS COUNTIES

(Seats) Townships, Precincts, Census Tracts, Block Groups

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- 21 (1) CROSS CREEK 13, Precinct CROSS CREEK 16, Precinct CROSS
(continued) CREEK 17, Precinct CROSS CREEK 19, Precinct CROSS CREEK 21,
Precinct CROSS CREEK 22, Precinct CROSS CREEK 25, Precinct
CROSS CREEK 26, Precinct CROSS CREEK 27, Precinct CROSS
CREEK 28, Precinct CROSS CREEK 29, Precinct CROSS CREEK 32,
Precinct CROSS CREEK 33, Precinct CLIFFDALE WEST, Precinct
LAKE RIM, Precinct MANCHESTER, Precinct MONTIBELLO,
Precinct SPRING LAKE, Precinct WEST AREA).
- 22nd (1) **LEE; MOORE; HARNETT** (Precinct ANDERSON CREEK,
Precinct BARBECUE, Precinct BUCKHORN, Precinct HECTORS
CREEK, Precinct JOHNSONVILLE, Precinct UPPER LITTLE RIVER
1, Precinct UPPER LITTLE RIVER 2).
- 23rd (1) **CHATHAM; ORANGE.**
- 24th (1) **ALAMANCE; CASWELL.**
- 25th (1) **ANSON; RICHMOND; SCOTLAND; STANLY.**
- 26th (1) **ROCKINGHAM; GUILFORD** (Precinct Greene, Precinct Center
Grove 1, Precinct Friendship 3, Precinct Friendship 4, Precinct
Friendship 5, Precinct Greensboro 39: **Tract 125.06:** Block Group 1:
Block 1065, Block 1067; Block Group 3: Block 3000, Block 3001,
Block 3002, Block 3003, Block 3004, Block 3005; **Tract 161.01:**
Block Group 1: Block 1005, Block 1013, Block 1014, Block 1015,
Block 1016; Precinct Gibsonville, Precinct Oak Ridge 1, Precinct Oak
Ridge 2, Precinct Pleasant Garden 2, Precinct Rock Creek 2, Precinct
Summerfield 1, Precinct Summerfield 2, Precinct Summerfield 3,
Precinct Summerfield 4, Precinct Fentress 2, Precinct Greensboro 40A,
Precinct Greensboro 40B, Precinct Jamestown 4, Precinct Jamestown 5,
Precinct Jefferson 4, Precinct North Center Grove, Precinct North Deep
River, Precinct South Deep River, Precinct Stokesdale, Precinct
Sumner 3, Precinct Sumner 4, Precinct North Clay, Precinct North
Washington, Precinct South Clay, Precinct South Washington).
- 27th (1) **GUILFORD** (Precinct Center Grove 2, Precinct Center Grove 3,
Precinct Friendship 1, Precinct Greensboro 1, Precinct Greensboro 2,
Precinct Greensboro 7, Precinct Greensboro 9, Precinct Greensboro 10,
Precinct Greensboro 11, Precinct Greensboro 12, Precinct Greensboro
13, Precinct Greensboro 14, Precinct Greensboro 15, Precinct
Greensboro 16, Precinct Greensboro 17, Precinct Greensboro 18,
Precinct Greensboro 19, Precinct Greensboro 20, Precinct Greensboro
21, Precinct Greensboro 22, Precinct Greensboro 23, Precinct
Greensboro 24, Precinct Greensboro 25, Precinct Greensboro 26,
Precinct Greensboro 27, Precinct Greensboro 28, Precinct Greensboro

DISTRICTS COUNTIES

(Seats) Townships, Precincts, Census Tracts, Block Groups

- 27th (1) 29, Precinct Greensboro 30, Precinct Greensboro 31, Precinct
(continued) Greensboro 32, Precinct Greensboro 33, Precinct Greensboro 34,
Precinct Greensboro 35, Precinct Greensboro 36, Precinct Greensboro
37, Precinct Greensboro 38, Precinct Greensboro 39: **Tract 125.06:**
Block Group 3: Block 3007; **Tract 161.01:** Block Group 1: Block
1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011,
Block 1012; Precinct Greensboro 41, Precinct Greensboro 42, Precinct
Greensboro 43, Precinct Greensboro 44, Precinct Greensboro 45,
Precinct Greensboro 47, Precinct Greensboro 48, Precinct Greensboro
49, Precinct Greensboro 50, Precinct Greensboro 51, Precinct
Greensboro 54, Precinct Greensboro 56, Precinct Greensboro 58,
Precinct Greensboro 59, Precinct Greensboro 60, Precinct Greensboro
61, Precinct Greensboro 62, Precinct Greensboro 63, Precinct
Greensboro 65, Precinct Greensboro 66, Precinct Greensboro 8,
Precinct Monroe 1, Precinct Monroe 2).
- 28th (1) **GUILFORD** (Precinct HP, Precinct Friendship 2, Precinct Greensboro
3, Precinct Greensboro 4, Precinct Greensboro 5, Precinct Greensboro
6, Precinct Greensboro 46, Precinct Greensboro 52, Precinct
Greensboro 53, Precinct Greensboro 55, Precinct Greensboro 57,
Precinct Greensboro 64, Precinct Greensboro 67, Precinct Greensboro
68, Precinct Greensboro 69, Precinct Greensboro 70, Precinct
Greensboro 71, Precinct Greensboro 72, Precinct Greensboro 73,
Precinct Greensboro 74, Precinct Greensboro 75, Precinct High Point 1,
Precinct High Point 2, Precinct High Point 3, Precinct High Point 4,
Precinct High Point 5, Precinct High Point 6, Precinct High Point 7,
Precinct High Point 8, Precinct High Point 9, Precinct High Point 10,
Precinct High Point 11, Precinct High Point 12, Precinct High Point 17,
Precinct High Point 18, Precinct High Point 19, Precinct High Point 20,
Precinct High Point 21, Precinct High Point 22, Precinct Pleasant
Garden 1, Precinct Rock Creek 1, Precinct Fentress 1, Precinct
Jamestown 1, Precinct Jamestown 2, Precinct Jamestown 3, Precinct
Jefferson 1, Precinct Jefferson 2, Precinct Jefferson 3, Precinct Monroe
3, Precinct North Madison, Precinct South Madison, Precinct Sumner
1, Precinct Sumner 2).
- 29th (1) **MONTGOMERY; RANDOLPH.**
- 30th (1) **STOKES; SURRY; WILKES** (Precinct Antioch, Precinct Brushy
Mountain, Precinct Cricket, Precinct Edwards 1, Precinct Edwards 2,
Precinct Edwards 3, Precinct Fairplains, Precinct Millers Creek,
Precinct Moravian Falls, Precinct Mulberry 1, Precinct Mulberry 2,
Precinct Mulberry 3, Precinct New Castle, Precinct North Wilkesboro,
Precinct Rock Creek 1, Precinct Rock Creek 2, Precinct Somers,
Precinct Traphill 1, Precinct Traphill 2, Precinct Walnut Grove,
Precinct Wilkesboro 1, Precinct Wilkesboro 2, Precinct Wilkesboro 3).

DISTRICTS COUNTIES

(Seats) Townships, Precincts, Census Tracts, Block Groups

- 31st (1) **FORSYTH** (Precinct 011, Precinct 012, Precinct 013, Precinct 014, Precinct 015, Precinct 021, Precinct 031, Precinct 032, Precinct 034, Precinct 042, Precinct 051, Precinct 052, Precinct 053, Precinct 054, Precinct 055, Precinct 061, Precinct 062, Precinct 063, Precinct 064, Precinct 065, Precinct 066, Precinct 067, Precinct 068, Precinct 071, Precinct 072, Precinct 073, Precinct 074, Precinct 075, Precinct 091, Precinct 092, Precinct 111, Precinct 112, Precinct 122, Precinct 123, Precinct 131, Precinct 132, Precinct 133, Precinct 506, Precinct 607, Precinct 709, Precinct 801, Precinct 802, Precinct 803, Precinct 804, Precinct 805, Precinct 806, Precinct 807, Precinct 808, Precinct 809, Precinct 901: **Tract 11**: Block Group 1: Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1017, Block 1018, Block 1019; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3009; **Tract 12**: Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034; Precinct 906, Precinct 907).
- 32nd (1) **FORSYTH** (Precinct 033, Precinct 043, Precinct 081, Precinct 082, Precinct 083, Precinct 101, Precinct 201, Precinct 203, Precinct 204, Precinct 205, Precinct 206, Precinct 207, Precinct 301, Precinct 302, Precinct 303, Precinct 304, Precinct 305, Precinct 306, Precinct 401, Precinct 402, Precinct 403, Precinct 404, Precinct 405, Precinct 501, Precinct 502, Precinct 503, Precinct 504, Precinct 505, Precinct 507, Precinct 601, Precinct 602, Precinct 603, Precinct 604, Precinct 605, Precinct 606, Precinct 701, Precinct 702, Precinct 703, Precinct 704, Precinct 705, Precinct 706, Precinct 707, Precinct 708, Precinct 901: **Tract 2**: Block Group 1: Block 1016, Block 1017, Block 1022, Block 1023, Block 1057, Block 1058; **Tract 11**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006; Precinct 902, Precinct 903, Precinct 904, Precinct 905, Precinct 908, Precinct 909).
- 33rd (1) **DAVIDSON; GUILFORD** (Precinct High Point 13, Precinct High Point 14, Precinct High Point 15, Precinct High Point 16, Precinct High Point 23, Precinct High Point 24, Precinct High Point 25, Precinct High Point 26, Precinct High Point 27).
- 34th (1) **DAVIE; YADKIN; ROWAN** (Precinct Bradshaw, Precinct North China Grove, Precinct Cleveland, Precinct South Locke, Precinct Faith, Precinct Franklin, Precinct Milford Hills County, Precinct Granite

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- 34th (1) Quarry, Precinct Hatters Shop, Precinct East Spencer, Precinct North
(continued) Locke, Precinct Morgan I, Precinct Morgan II, Precinct Mount Ulla,
Precinct Rockwell, Precinct Gold Knob, Precinct Scotch Irish, Precinct
Spencer, Precinct Steele, Precinct Sumner, Precinct Trading Ford,
Precinct Unity, Precinct West Ward II, Precinct West Ward I, Precinct
South Ward, Precinct North Ward I, Precinct East Ward I, Precinct
West Innes, Precinct North Ward II, Precinct Milford Hills City,
Precinct West Ward III, Precinct East Ward II).
- 35th (1) **UNION; MECKLENBURG** (Precinct 090, Precinct 112, Precinct
113, Precinct 121, Precinct 226, Precinct 227, Precinct 232, Precinct
137, Precinct 139, Precinct 140, Precinct 144).
- 36th (1) **CABARRUS; ROWAN** (Precinct Barnhardt Mill, Precinct
Blackwelder Park, Precinct Bostian Crossroads, Precinct South China
Grove, Precinct East Enochville, Precinct Rock Grove, Precinct West
Kannapolis, Precinct East Kannapolis, Precinct West Landis, Precinct
East Landis, Precinct Bostian School, Precinct West Enochville).
- 37th (1) **MECKLENBURG** (Precinct 002, Precinct 003, Precinct 004, Precinct
005, Precinct 006, Precinct 013, Precinct 014, Precinct 015, Precinct
017, Precinct 027, Precinct 028, Precinct 029, Precinct 030, Precinct
033, Precinct 042, Precinct 043, Precinct 044, Precinct 045, Precinct
046, Precinct 060, Precinct 061, Precinct 062, Precinct 063, Precinct
082, Precinct 084, Precinct 094, Precinct 095, Precinct 099, Precinct
102, Precinct 104, Precinct 108, Precinct 109, Precinct 115, Precinct
116, Precinct 117, Precinct 123, Precinct 124, Precinct 125, Precinct
130, Precinct 204, Precinct 205).
- 38th (1) **MECKLENBURG** (Precinct 011, Precinct 012, Precinct 016, Precinct
022, Precinct 023, Precinct 024, Precinct 025, Precinct 026, Precinct
031, Precinct 039, Precinct 040, Precinct 041, Precinct 052, Precinct
053, Precinct 054, Precinct 055, Precinct 056, Precinct 077: **Tract
38.04**: Block Group 1: Block 1022; Block Group 2: Block 2005, Block
2006, Block 2007, Block 2008, Block 2009, Block 2012; **Tract 58.06**:
Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003,
Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block
1009, Block 1010, Block 1011, Block 1014, Block 1015, Block 1016,
Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block
1022, Block 1023, Block 1024, Block 1025, Block 1026, Block 1027,
Block 1071, Block 1072, Block 1073, Block 1074, Block 1999; **Tract
59.05**: Block Group 2: Block 2000, Block 2001, Block 2002, Block
2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008;
Precinct 078, Precinct 079, Precinct 080, Precinct 081, Precinct 097:
Tract 58.06: Block Group 1: Block 1075; **Tract 58.07**: Block Group 1:
Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block

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- 38th (1) 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010;
 (continued) Precinct 098, Precinct 105, Precinct 107, Precinct 120, Precinct 126,
 Precinct 225: **Tract 58.06**: Block Group 1: Block 1012, Block 1013,
 Block 1028, Block 1029, Block 1030; Precinct 228: **Tract 59.05**:
 Block Group 2: Block 2017; Precinct 237, Precinct 132, Precinct 135,
 Precinct 138: **Tract 59.04**: Block Group 2: Block 2000, Block 2001,
 Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block
 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012,
 Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block
 2018; **Tract 59.05**: Block Group 2: Block 2009, Block 2010, Block
 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016;
 Precinct 141, Precinct 210, Precinct 211, Precinct 212, Precinct 213).
- 39th (1) **MECKLENBURG** (Precinct 001, Precinct 007, Precinct 008, Precinct
 009, Precinct 010, Precinct 018, Precinct 019, Precinct 020, Precinct
 021, Precinct 032, Precinct 034, Precinct 035, Precinct 036, Precinct
 038, Precinct 047, Precinct 048, Precinct 049, Precinct 051, Precinct
 064, Precinct 065, Precinct 066, Precinct 067, Precinct 068, Precinct
 069, Precinct 070, Precinct 071, Precinct 072, Precinct 074, Precinct
 083, Precinct 085, Precinct 086, Precinct 091, Precinct 096, Precinct
 100, Precinct 103, Precinct 106, Precinct 110, Precinct 111, Precinct
 118, Precinct 119, Precinct 233, Precinct 234, Precinct 235, Precinct
 236, Precinct 131, Precinct 136, Precinct 201, Precinct 203, Precinct
 215, Precinct 216, Precinct 217, Precinct 218, Precinct 219, Precinct
 220, Precinct 221).
- 40th (1) **MECKLENBURG** (Precinct 037, Precinct 050, Precinct 057, Precinct
 058, Precinct 059, Precinct 073, Precinct 075, Precinct 076, Precinct
 077: **Tract 58.06**: Block Group 1: Block 1068, Block 1069, Block
 1077, Block 1079; **Tract 59.05**: Block Group 2: Block 2040, Block
 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2046,
 Block 2047, Block 2048, Block 2049, Block 2050; Precinct 087,
 Precinct 088, Precinct 089, Precinct 092, Precinct 093, Precinct 097:
Tract 58.06: Block Group 1: Block 1076, Block 1083; **Tract 58.07**:
 Block Group 1: Block 1011, Block 1012, Block 1013, Block 1014;
 Precinct 101, Precinct 114, Precinct 122, Precinct 127, Precinct 128,
 Precinct 225: **Tract 58.06**: Block Group 1: Block 1031, Block 1032,
 Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block
 1038, Block 1039, Block 1040, Block 1041, Block 1042, Block 1043,
 Block 1044, Block 1045, Block 1046, Block 1047, Block 1048, Block
 1049, Block 1050, Block 1051, Block 1052, Block 1053, Block 1054,
 Block 1055, Block 1056, Block 1057, Block 1058, Block 1059, Block
 1060, Block 1061, Block 1062, Block 1063, Block 1064, Block 1065,
 Block 1066, Block 1067, Block 1070, Block 1078, Block 1080, Block
 1081, Block 1082, Block 1084, Block 1085, Block 1086, Block 1087,
 Block 1088, Block 1089, Block 1090, Block 1091, Block 1092; Block

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40th (1) Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block
 (continued) 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009,
 Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block
 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020,
 Block 2021, Block 2022, Block 2023, Block 2024, Block 2025;
 Precinct 228: **Tract 59.04**: Block Group 2: Block 2021, Block 2022,
 Block 2023; Block Group 3: Block 3000, Block 3001, Block 3002,
 Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block
 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013,
 Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block
 3019, Block 3020; **Tract 59.05**: Block Group 2: Block 2018, Block
 2020, Block 2021, Block 2024; Precinct 229, Precinct 230, Precinct
 231, Precinct 238, Precinct 239, Precinct 240, Precinct 241, Precinct
 242, Precinct 243, Precinct 129, Precinct 133, Precinct 134, Precinct
 138: **Tract 59.04**: Block Group 2: Block 2019, Block 2020; **Tract**
59.05: Block Group 2: Block 2019; Precinct 142, Precinct 143, Precinct
 200, Precinct 202, Precinct 206, Precinct 207, Precinct 208, Precinct
 209, Precinct 214, Precinct 222, Precinct 223, Precinct 224).

41st (1) **ALEXANDER; IREDELL.**

42nd (1) **LINCOLN; CATAWBA** (Precinct Balls Creek, Precinct Banoak,
 Precinct Blackburn, Precinct Catawba, Precinct Claremont, Precinct
 Conover West, Precinct Conover East, Precinct East Maiden, Precinct
 East Newton, Precinct Maiden, Precinct Monogram, Precinct Mt Olive,
 Precinct Mtn View 1, Precinct Mtn View 2, Precinct North Newton,
 Precinct Sherrills Ford, Precinct South Newton, Precinct Startown,
 Precinct Sweetwater, Precinct West Newton, Precinct Lake Norman;
 Gaston County: Precinct Alexis, Precinct Lucia, Precinct Stanley 1,
 Precinct Stanley 2, Precinct Mt Holly 1, Precinct Mt Holly 2).

43rd (1) **GASTON** (Precinct York Chester, Precinct Victory, Precinct Pleasant
 Ridge, Precinct Forest Heights, Precinct Health Center, Precinct
 Myrtle, Precinct Highland, Precinct Wood Hill, Precinct Grier, Precinct
 Sherwood, Precinct Armstrong, Precinct Flint Grove, Precinct Ranlo,
 Precinct Gardner Park, Precinct Robinson 1, Precinct Gaston Day,
 Precinct Robinson 2, Precinct Ashbrook, Precinct South Gastonia,
 Precinct Bessemer City 1, Precinct Bessemer City 2, Precinct Crowders
 Mountain, Precinct Belmont 1, Precinct Belmont 2, Precinct Belmont
 3, Precinct Catawba Heights, Precinct Southpoint, Precinct Cramerton,
 Precinct New Hope, Precinct McAdenville, Precinct Union, Precinct
 Lowell, Precinct Tryon, Precinct Landers Chapel, Precinct Cherryville
 1, Precinct Cherryville 2, Precinct Cherryville 3, Precinct High Shoals,
 Precinct Dallas 1, Precinct Dallas 2).

DISTRICTS COUNTIES

(Seats) Townships, Precincts, Census Tracts, Block Groups

-
- 44th (1) **BURKE; CATAWBA** (Precinct Brookford, Precinct College Park, Precinct Kenworth, Precinct Greenmont, Precinct Oakwood, Precinct Ridgeview, Precinct Highlands, Precinct Longview North, Precinct Longview South, Precinct Oakland Heights, Precinct Oxford, Precinct St Stephens 1, Precinct St Stephens 2, Precinct Sandy Ridge, Precinct Springs, Precinct Viewmont 1, Precinct Viewmont 2, Precinct Falling Creek, Precinct Northwest).
- 45th (1) **ALLEGHANY; ASHE; CALDWELL; WATAUGA; WILKES** (Precinct Boomer, Precinct Jobs Cabin, Precinct Reddies River, Precinct Union, Precinct Mt Pleasant Ferguson CRU).
- 46th (1) **CLEVELAND; RUTHERFORD.**
- 47th (1) **AVERY; MCDOWELL; MADISON; MITCHELL; YANCEY; HAYWOOD** (Precinct Big Creek, Precinct Crabtree, Precinct Center Waynesville, Precinct East Waynesville, Precinct Hazelwood, Precinct Iron Duff, Precinct Ivy Hill, Precinct Jonathan Creek, Precinct Lake Junaluska, Precinct Saunook, Precinct White Oak, Precinct West Waynesville, Precinct Beaverdam 1, Precinct Beaverdam 2, Precinct Beaverdam 3, Precinct Beaverdam 4, Precinct Beaverdam 7, Precinct Fines Creek 1, Precinct Fines Creek 2, Precinct North Clyde, Precinct South Clyde, Precinct South Waynesville 1, Precinct South Waynesville 2, Precinct Beaverdam 5-6).
- 48th (1) **HENDERSON; POLK; BUNCOMBE** (Precinct Asheville 1, Precinct Asheville 10, Precinct Asheville 11, Precinct Asheville 13, Precinct Asheville 18, Precinct Asheville 19, Precinct Asheville 24, Precinct Averys Creek (30), Precinct Biltmore (31), Precinct Lower Hominy 1 (44), Precinct Lower Hominy 3 (46), Precinct Limestone 1 (54), Precinct Limestone 2 (55), Precinct Limestone 3 (56), Precinct Asheville 29, Precinct Upper Hominy CRU (47, 49)).
- 49th (1) **BUNCOMBE** (Precinct Asheville 2, Precinct Asheville 3, Precinct Asheville 4, Precinct Asheville 5, Precinct Asheville 6, Precinct Asheville 7, Precinct Asheville 8, Precinct Asheville 9, Precinct Asheville 12, Precinct Asheville 14, Precinct Asheville 15, Precinct Asheville 16, Precinct Asheville 17, Precinct Asheville 20, Precinct Asheville 21, Precinct Asheville 22, Precinct Asheville 23, Precinct Asheville 25, Precinct Black Mountain 1 (32), Precinct Black Mountain 2 (33), Precinct Black Mountain 3 (34), Precinct Black Mountain 5 (36), Precinct Broad River (37), Precinct Fairview 1 (38), Precinct Fairview 2 (39), Precinct Flat Creek (40), Precinct French Broad (41), Precinct Hazel 1 (42), Precinct Hazel 2 (43), Precinct Lower Hominy 2 (45), Precinct Upper Hominy 2 (48), Precinct Leicester 1 (52), Precinct Limestone 4 (57), Precinct North Buncombe (58), Precinct Reems

DISTRICTS COUNTIES

(Seats) Townships, Precincts, Census Tracts, Block Groups

49th (1) Creek (59), Precinct Reynolds (60), Precinct Swannanoa 1 (64),
(continued) Precinct Weaverville (67), Precinct West Buncombe 1 (68, 681),
Precinct West Buncombe 2 (69), Precinct Woodfin (70), Precinct
Woodland Hills (71), Precinct Asheville 28, Precinct Asheville 27,
Precinct Black Mountain 4 (35), Precinct Ivy CRU (50, 51), Precinct
Leicester Sandy Mush CRU (63, 53), Precinct Riceville Swannanoa
CRU 2 (62, 66), Precinct Riceville Swannanoa 2 CRU (61, 65)).

50th (1) **CHEROKEE; CLAY; GRAHAM; JACKSON; MACON; SWAIN;**
TRANSYLVANIA; HAYWOOD (Precinct Allens Creek, Precinct
Cecil, Precinct East Fork, Precinct Pigeon, Precinct Center Pigeon).

SENATE RESOLUTIONS**SESSION 2003**

Adopted March 13, 2003 (See page 172)

S.R. 174, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Be it resolved by the Senate:

SECTION 1. The following procedures for nominating and electing members of the Board of Governors of The University of North Carolina are adopted:

I. COMMITTEE RESPONSIBILITIES.

1. It is the duty of the Senate Committee on Education/Higher Education (hereinafter referred to as the "Senate Committee") to choose nominees for each opening on the Board of Governors of The University of North Carolina to which the Senate is to elect members.

2. The Senate Committee shall receive suggestions of proposed candidates for nomination for election to the Board of Governors of The University of North Carolina from Monday, March 17, 2003, through Friday, March 21, 2003. In 2003, the total number of positions is eight. In order for a person to have standing to be considered as a candidate for nomination by the Senate Committee, that person must be formally proposed as a candidate for nomination by a member of the Senate. Only a written nomination on a form provided by the cochairs of the Senate Committee for that purpose and received in the Office of the Senate Principal Clerk on or after Monday, March 17, 2003, and no later than 5:00 P.M. on Friday, March 21, 2003, shall constitute formal proposal of a candidate. Delivery of a nomination form by facsimile transmission shall not constitute a formal proposal of a candidate.

3. A Senator may propose candidates for nomination only for the openings available for election by the Senate. In the 2003 Session of the General Assembly, the Senate will elect eight persons for four-year terms.

4. On or after March 22, 2003, the Senate Committee shall list all proposed candidates for nomination. The Senate Committee shall screen the proposed candidates for nomination as to their qualifications and background and may interview each one to make sure that suitable persons are nominated. The Senate Committee shall ascertain that each candidate for nomination is willing and able to serve and has no statutory disability. On completion of the screening process, the Senate Committee shall conduct a vote to ensure that the slate of legally qualified candidates lists no more than twice the number of candidates for the total seats open.

5. The cochairs of the Senate Committee shall ascertain whether the nominees for election by the Senate would serve if elected. Any nominee may withdraw without the approval of the sponsor.

6. Senate Committee nominees shall be placed before and recommended to the Senate for election.

II. ELECTIONS IN THE SENATE.

1. A ballot shall be prepared under the supervision of the cochairs of the Senate Committee for the use of the Senate.

2. The ballot shall list only the names of those nominees proposed by the Senate Committee who have consented to run and for whom the Senate is entitled to vote. Their names shall be arranged alphabetically by surname.

3. The Senate shall hold its election no later than the beginning of the daily session on April 2, 2003. Before the voting begins, one of the cochairs of the Senate Committee shall explain the voting rules, which are:

- (a) No nomination shall be received from the floor.
- (b) In order to be chosen, a nominee must receive the votes of a majority of all members present and voting.
- (c) Each member present and voting shall vote for as many nominees as there are positions to be filled, and any ballot not so marked shall be deemed void.
- (d) If fewer than eight nominees receive the votes of a majority of all members present and voting, a runoff to fill the open position or positions shall be conducted among the nominees who were not elected but who received the highest number of votes cast; and the number of nominees eligible to be voted on in the runoff shall be twice the number of positions to be filled.
- (e) If there is a tie for the last position between two nominees who are eligible for the next runoff, both nominees shall be included in the next runoff balloting, even though there would be more than two nominees per available position, unless the deciding vote is cast in accordance with the North Carolina Constitution, Article II, Section 13.
- (f) If more than eight nominees receive the votes of a majority of all members present and voting, then the eight nominees receiving the highest number of votes shall be deemed to have been chosen.

4. The Senators shall proceed to mark their ballots for eight persons, for four-year terms.

Every ballot shall be signed by the Senator casting it, and no unsigned ballots shall be counted.

5. The cochairs of the Senate Committee shall be responsible for canvassing the vote and declaring the results. All ballots shall be retained by the Principal Clerk as part of the permanent records of the Senate and shall be open for immediate public inspection.

6. When the cochairs of the Senate Committee have determined that the Senate has chosen eight persons to serve as members of the Board of Governors for terms of four years, the President of the Senate shall declare those eight persons to have been elected.

7. The results of the election in the Senate shall then be sent by Special Messenger to the House of Representatives.

III. NOTIFICATION OF ELECTION RESULTS.

When the election process is complete, the cochairs of the Senate Committee shall notify the Secretary of the Board of Governors of The University of North Carolina of the names of the persons elected by the Senate and of the term for which each person was elected.

SECTION 2. As used in this resolution, the term "cochairs" means the Cochairs of the Senate Committee.

SECTION 3. This resolution is effective upon adoption.

Adopted April 23, 2003 (See page 407)

S.R. 1020, A SENATE RESOLUTION EXTENDING THE CROSSOVER DEADLINE TO MAY 1, 2003.

Be it resolved by the Senate:

SECTION 1. As provided in Senate Rule 77, Senate Rule 41 reads as rewritten:

"**RULE 41. Crossover bill deadline.** - In order to be eligible for consideration by the Senate during the 2003 or 2004 Regular Sessions of the 2003 General Assembly, all House bills other than those required to be referred to the Committee on Finance or the Committee on Appropriations/Base Budget by Rule 42 or adjournment resolutions must be received and read on the floor of the Senate as a message from the House no later than ~~April 24, 2003~~, May 1, 2003, provided that a message from the House received by the next legislative day stating that a bill has passed its third reading and is being engrossed shall comply with the requirements of this rule and provided that the House accepts Senate bills ordered engrossed on the next legislative day."

SECTION 2. This resolution is effective upon adoption.

Adopted August 27, 2003 (See page 1078)

S.R. 1029, A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR THE RECONVENED 2003 REGULAR SESSION OF THE GENERAL ASSEMBLY.

Be it resolved by the Senate:

SECTION 1. The permanent rules of the 2003 Regular Session, with the following amendments, are the rules governing the Reconvened 2003 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. As provided by the Constitution, no bill may be considered in the Senate other than House Bill 917, AN ACT TO CONFORM THE LAWS RELATED TO PERMISSIBLE INTEREST RATES FOR HOME LOANS SECURED BY FIRST MORTGAGES, AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO BANKING AND LENDING LAWS. This rule may not be suspended.

Rule 59. (Reserved).

SECTION 2. This resolution is effective upon adoption, but applies only to the Reconvened Session.

**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 2002 Session Reconvened of the 2001 General Assembly on November 13, 2002.

The full text of Executive Orders 30 through 51 issued by Governor Michael F. Easley can be found in the Session Laws of the 2003 General Assembly.

Executive Order	Title	Date of Issuance
30	Amending Executive order Number 113 Executive Order No. 113 , Issued by Governor James B. Hunt, Jr. Concerning Merit-Based Hiring Process.	September 24, 2002
31	Extending Executive Order No. 27. Executive Order No. 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.	September 30, 2002
32	NC Commission on Business Laws and the Economy.	October 4, 2002
33	To Establish the Athletic Injury Management Rule Effective Date.	October 15, 2002
34	Public Employee Special Pay Plan.	November 4, 2002
35	Amending Governor Hunt's Executive Order No. 51 North Carolina Film Council	November 7, 2002
36	Proclamation of State Disaster for the City of Statesville	November 7, 2002
37	Extending Executive Order No. 29 Executive Order No. 29 , Emergency Relief for Livestock Producers Affected By Hay Shortages Due to Drought for 60 Days After Its Original Expiration Date.	November 26, 2002
38	Extending Executive Order No. 88 Executive Order No. 88 , Regarding Statewide Flexible Benefits Program.	December 27, 2002
39	Implementation of the North Carolina Emergency Operations Plan Dated November 2002	January 9, 2003

January 29, 2003 (See page 6)

**COLOR GUARD UNIT OF THE ARMY JUNIOR ROTC,
WASHINGTON HIGH SCHOOL, WASHINGTON, NORTH CAROLINA**

Cadet Lieutenant Colonel John Booker
Cadet Major Amanda DeCastilia
Cadet Command Sergeant Major Anthony Burton
Cadet Master Sergeant Aaron Davis

Alternates:

Cadet Captain Jonathan Smith
Cadet Major Robert Keys
Cadet Captain Khalil Muhammad

Lieutenant Colonel Tom Meeks, Senior Army Instructor

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 Allran
Vice Chairman	Senator Kinnaird
Vice Chairman	Senator Lucas
Vice Chairman	Senator Weinstein
Ranking Minority	Senator Horton
Members	Senators Bingham, Brock, Clodfelter, Garwood, Gulley, Hargett, Hartsell, Holloman, Jenkins, Queen, Reeves, Smith, Thomas, Tillman, Webster

APPROPRIATIONS ON DEPARTMENT OF TRANSPORTATION

Tues/Wed/Thurs—1027 LB—8:30 AM

Chairman	Senator Gulley
Vice Chairman	Senator Jenkins
Ranking Minority	Senator Carpenter
Members	Senators Berger, Hargett, Rucho, Shaw

APPROPRIATIONS ON EDUCATION/HIGHER EDUCATION

Tues/Wed/Thurs—414 LOB—8:30 AM

Co-Chairman	Senator Lucas
Co-Chairman	Senator Metcalf
Vice Chairman	Senator Malone
Ranking Minority	Senator Garwood
Members	Senators Hartsell, Hoyle, Stevens

APPROPRIATIONS ON GENERAL GOVERNMENT AND

INFORMATION TECHNOLOGY Tues/Wed/Thurs—1124 LB—8:30 AM

Chairman	Senator Swindell
Vice Chairman	Senator Dorsett
Vice Chairman	Senator Foss
Vice Chairman	Senator Moore
Members	Senator Smith

APPROPRIATIONS ON HEALTH AND HUMAN SERVICES

Tues/Wed/Thurs—422 LOB—8:30 AM

Co-Chairman	Senator Purcell
Co-Chairman	Senator Reeves
Vice Chairman	Senator Dannelly
Ranking Minority	Senator Forrester
Members	Senators Blake, Kerr, Pittenger

APPROPRIATIONS ON JUSTICE AND PUBLIC SAFETY**Tues/Wed/Thurs—415 LOB—8:30 AM**

Chairman	Senator Thomas
Vice Chairman	Senator Holloman
Vice Chairman	Senator Soles
Ranking Minority	Senator Bingham
Members	Senators Clodfelter, Kinnaird, Rand, Sloan

APPROPRIATIONS ON NATURAL AND ECONOMIC RESOURCES**Tues/Wed/Thurs—423 LOB—8:30 AM**

Chairman	Senator Weinstein
Vice Chairman	Senator Albertson
Ranking Minority	Senator Horton
Members	Senator Queen

APPROPRIATIONS/BASE BUDGET**Tues/Wed/Thurs—643 LOB—8:30 AM**

Co-Chairman	Senator Garrou
Co-Chairman	Senator Dalton
Co-Chairman	Senator Hagan
Vice Chairman	Senator Albertson
Vice Chairman	Senator Gulley
Members	Senators Berger, Bingham, Blake, Brock, Carpenter, Clodfelter, Dannelly, Dorsett, Forrester, Foxx, Garwood, Hargett, Hartsell, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Weinstein

COMMERCE**Tues/Thurs—1027 LB—11:00 AM**

Chairman	Senator Soles
Vice Chairman	Senator Hoyle
Vice Chairman	Senator Rand
Ranking Minority	Senator Berger
Members	Senators Apodaca, Ballantine, Carpenter, Dalton, Dorsett, Forrester, Foxx, Garrou, Hagan, Kerr, Malone, Metcalf, Moore, Pittenger, Purcell, Rucho, Shaw, Sloan

EDUCATION/HIGHER EDUCATION **Wed—414 LOB—10:00 AM**

Co-Chairman Senator Lucas
Co-Chairman Senator Metcalf
Co-Chairman Senator Garwood
Vice Chairman Senator Horton
Vice Chairman Senator Swindell
Ranking Minority Senator Allran
Members Senators Apodaca, Bingham, Blake, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Gulley, Hagan, Hargett, Hartsell, Holloman, Jenkins, Malone, Moore, Purcell, Rucho, Shubert, Smith, Stevens, Thomas, Tillman

FINANCE **Tues/Wed—544 LOB—1:00 PM**

Co-Chairman Senator Hoyle
Co-Chairman Senator Kerr
Vice Chairman Senator Clodfelter
Vice Chairman Senator Shaw
Ranking Minority Senator Carrington
Members Senators Albertson, Allran, Apodaca, Ballantine, Berger, Blake, Brock, Dannelly, Foxx, Garrou, Gulley, Hagan, Hartsell, Kinnaird, Metcalf, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein

HEALTH & HUMAN RESOURCES **Wed—544 LOB—11:00 AM**

Co-Chairman Senator Bingham
Co-Chairman Senator Purcell
Vice Chairman Senator Allran
Vice Chairman Senator Queen
Ranking Minority Senator Forrester
Members Senators Dannelly, Garwood, Hartsell, Hoyle, Kinnaird, Lucas, Malone, Metcalf, Reeves

INFORMATION TECHNOLOGY **Wed—414 LOB—12:00 Noon**

Co-Chairman Senator Reeves
Co-Chairman Senator Carrington
Vice Chairman Senator Garrou
Ranking Minority Senator Foxx
Members Senators Gulley, Hagan, Holloman, Rand

JUDICIARY I **Tues/Thurs—1027 LB—10:00 AM**

Chairman Senator Clodfelter
Vice Chairman Senator Soles
Vice Chairman Senator Berger
Ranking Minority Senator Ballantine
Members Senators Albertson, Carpenter, Garrou, Gulley, Hargett, Horton, Hoyle, Jenkins, Lucas, Malone, Metcalf, Rand

JUDICIARY II**Tues/Thurs—1124 LB—10:00 AM**

Chairman	Senator Hartsell
Vice Chairman	Senator Allran
Vice Chairman	Senator Thomas
Ranking Minority	Senator Webster
Members	Senators Apodaca, Bingham, Dalton, Dorsett, Hagan, Holloman, Kerr, Kinnaird, Moore, Queen, Rucho, Shubert, Sloan

PENSIONS & RETIREMENT AND AGING**Upon Call of Chairman**

Co-Chairman	Senator Dalton
Co-Chairman	Senator Garrou
Co-Chairman	Senator Hagan
Co-Chairman	Senator Allran
Members	Senators Albertson, Berger, Bingham, Blake, Brock, Carpenter, Clodfelter, Dannelly, Dorsett, Forrester, Foxy, Garwood, Gulley, Hargett, Holloman, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Metcalf, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Weinstein

RULES AND OPERATIONS OF THE SENATE**Upon Call of Chairman**

Chairman	Senator Rand
Vice Chairman	Senator Dalton
Vice Chairman	Senator Gulley
Ranking Minority	Senator Horton
Members	Senators Albertson, Ballantine, Berger, Carrington, Forrester, Hoyle, Kinnaird, Metcalf, Rucho, Soles, Swindell, Thomas

**STATE GOVERNMENT, LOCAL GOVERNMENT,
AND VETERANS' AFFAIRS****Wed—1124 LB—12:00 Noon**

Chairman	Senator Kinnaird
Vice Chairman	Senator Hargett
Ranking Minority	Senator Hartsell
Members	Senators Albertson, Berger, Clodfelter, Dorsett, Garwood, Horton, Malone, Queen, Reeves, Sloan, Smith, Soles, Stevens, Weinstein

TRANSPORTATION**Wed—1027 LB—11:00 AM**

Chairman Senator Shaw
Vice Chairman Senator Gulley
Vice Chairman Senator Hoyle
Ranking Minority Senator Rucho
Members Senators Berger, Brock, Carpenter, Carrington, Garrou,
Hargett, Jenkins, Moore, Rand, Sloan, Stevens,
Swindell, Thomas, Tillman, Weinstein

WAYS AND MEANS**Upon Call of Chairman**

Chairman Senator Dannelly
Vice Chairman Senator Weinstein
Ranking Minority Senator Allran
Members Senators Albertson, Ballantine, Berger, Hargett, Hoyle,
Jenkins, Kerr, Malone, Queen, Shubert, Swindell,
Webster

SELECT COMMITTEES**SELECT COMMITTEE ON EMPLOYEE HOSPITAL
AND MEDICAL BENEFITS****Upon Call of Chairman**

Chairman Senator Rand
Members Senators Dannelly, Forrester, Garrou, Hagan, Hoyle

**SELECT COMMITTEE ON INSURANCE AND
CIVIL JUSTICE REFORM****Upon Call of Chairman**

Co-Chairman Senator Clodfelter
Co-Chairman Senator Hoyle
Co-Chairman Senator Rand
Members Senators Apodaca, Berger, Bingham, Blake, Forrester,
Gulley, Hagan, Hartsell, Holloman, Horton, Jenkins,
Lucas, Pittenger, Purcell, Queen, Reeves, Soles,
Swindell, Thomas

**SELECT COMMITTEE ON LAPTOPS IN
SENATE CHAMBER****Upon Call of Chairman**

Co-Chairman Senator Reeves
Co-Chairman Senator Carrington
Members Senators Albertson, Apodaca, Clodfelter, Hagan,
Hartsell, Rand, Soles, Stevens

SELECT COMMITTEE ON MILITARY AFFAIRS**Upon Call of Chairman**

Chairman Senator Hargett
Members Senators Ballantine, Carrington, Dannelly, Dorsett,
Forrester, Kerr, Rand, Sloan, Thomas

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/Takcus Nesbit
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	Tonya Williams
Chief of Staff	Rolf Blizzard
Administrative Assistant	Claudette Parrish
Executive Assistant	Angela Talton Williams
Director, Boards & Commissions and Constituent Services	Lea Dunn
Assistant for Constituent Services and Research	Chris Dillon
Communications and Research Director	Amy Fulk
Special Assistant for Citizens Affairs and Research	Mary King
Director, Hispanic/ Latino Affairs	Matty Lazo-Chadderton

OFFICE OF THE DEPUTY PRESIDENT *PRO TEMPORE*

Deputy President <i>Pro Tempore</i>	Charlie Smith Dannelly
Administrative Assistant	Dee Hodge
Legal Counsel	Wayne Yancey

OFFICE OF THE SENATE MAJORITY LEADER

Majority Leader	Tony Rand
Administrative Assistant	Evelyn Costello
General Counsel	Chris Evans
Assistant General Counsel	Walter Rand
Office Assistant	Judy Tardiff

OFFICE OF THE SENATE REPUBLICAN LEADER

Republican Leader	Patrick J. Ballantine
Administrative Assistant	Luci Johnson
Legislative Aide	Joel Raupe
Research Assistant	Eric Hunter
Research Assistant	Jim Blaine

OFFICE OF THE PRINCIPAL CLERK

Principal Clerk	Janet B. Pruitt
Administrative Clerks	Jonathan Kennedy
	Tracie J. McLamb
Assistants	Marty Carrara
	Ingrid Eubanks
	Andrea Hollar
	Charlotte Johnston
	Jessica Lambert
	Harriette McKoy
	Shirley Parker
	Wayne White

READING CLERK

Ted Harrison

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
William "Bill" Gheen	Mark Speed
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	Dorothy Sabow

SENATE LEGISLATIVE ASSISTANTS

Avent-Hurst, Irma	Holloman	
Bagley, Dee	Weinstein	Appropriations on Natural and Economic Resources
Bean, Allen	Smith	
Bishop, Gail	Garrou	Appropriations/Base Budget, Pensions & Retirement and Aging
Black, Janet	Foxx	
Blaine, Jim	Ballantine	
Blake, Lorraine	Purcell	Appropriations on Health and Human Services, Health and Human Resources
Blalock, Janet	Soles	Commerce, Majority Caucus Chair Substitute
Brothers, Nancy		

Brueggemann, Adam	Albertson	
Caldwell, Wilma	Substitute	
Carpenter, Helen	Carpenter	
Chriscoe, Judy	Bingham	Health and Human Resources
Clark, Genie	Horton	
Costello, Evelyn	Rand	Rules and Operations of the Senate, Select Committee on Employee Hospital and Medical Benefits, Select Committee on Insurance and Civil Justice Reform
Critcher, Blanche		Substitute
David-Yerumo, Bernie	Lucas	Majority Caucus Whip, Appropriations on Education/ Higher Education, Education/Higher Education
Davis, Cindy	Albertson	Majority Caucus Secretary, Agriculture/Environment/Natural Resources
Davis, Kathy	Carrington	Information Technology, Select Committee on Laptops in the Senate Chamber
Edwards, Samantha	Sloan	
Eldridge, Barbara	Berger	Republican Caucus Secretary
Fitzgerald, Mona	Dalton	Appropriations/Base Budget, Pensions & Retirement and Aging
Funderburk, Elaine	Substitute	
Gooch, Katie	Queen	
Gooden, Carolyn	Jenkins	
Gruenebaum, Alicia	Dalton	
Gunter, Susanne	Thomas	Appropriations on Justice and Public Safety
Halifax, Peggy	Pittenger	
Hall, Yvonne	Tillman	
Hamilton, Susan	Hagan	Appropriations/Base Budget, Pensions & Retirement and Aging
Hartsell, Evelyn	Kerr	Finance
Hedspeth, Becky		Substitute
Henderson, Surena	Hargett	Select Committee on Military Affairs
Hocutt, Barbara		Substitute
Hodge, Dee	Dannelly	Ways & Means
Hodge, Joyce	Dorsett	
Howell, Claudette	Malone	
Hudson, Mo	Swindell	Appropriations on General Government and Information Technology
Hunter, Eric	Ballantine	
Johnson, Gerry	Hartsell	Judiciary II
Johnson, Luci	Ballantine	
Jones, Kimberly	Lucas	
Joyner, Wanda	Clodfelter	Judiciary I, Select Committee on Insurance and Civil Justice Reform

Kendall, June	Moore	
Kidd, Anna	Blake	
Lane, Sarah	Kinnaird	
Laton, Linda	Moore	
Leatherman, Joan	Soles	Majority Caucus Chair, Commerce Transportation
Lee, Barbara	Shaw	
Long, Helen	Rucho	
Malcolm, Darrell	Webster	
McBride, Sue	Substitute	
McMillan, Cornelia	Reeves	
Minard, Chris	Garrou	
Mitchell, Melissa	Pittenger	
Murphy, Sarah	Substitute	
Penven, Margie	Reeves	Appropriations on Health and Human Services Information Technology, Select Committee on Laptops in the Senate Chamber
Perryman, Barbara	Substitute	
Porter, Phyllis	Garwood	Education/Higher Education
Pulley, Nancy	Apodaca	Deputy Republican Whip
Raupe, Joel	Ballantine	
Resar, Carol	Gulley	Appropriations on Department of Transportation
Rhodes, Kleist	Stevens	
Sears, Sylvia	Kerr	
Sommer, Jan	Hoyle	
Spears, Vickie	Thomas	
Tardiff, Judy	Rand	
Walker, Carole	Allran	Pensions & Retirement and Aging
Walker, Tabatha	Brock	
Watson, Mary	Forrester	Deputy Republican Leader
Whitener, Angie	Metcalf	
Williams, Penny	Hoyle	Finance, Select Committee on Insurance and Civil Justice Reform
Wilson, Anne	Metcalf	Appropriations on Education/Higher Education, Education/Higher Education
Wilson, Carol	Shubert	
Wise, Trey	Hoyle	
Young, Kathie	Kinnaird	State Government, Local Government, and Veterans' Affairs

SENATE INTERNS 2003 SESSION

Anderson, Brian	Pittenger
Auth, Amy	Foxx
Baker, Dallas	Gulley, Stevens
Bertics, Michael	Swindell

Black, Jason	Hagan
Cummings, Julia	Hagan
Doorhy, Shawn	Forrester
Francis, Taylor	Purcell
Fuller, Charmaine	Lucas
Gurlitz, Rachel	Gulley
Hebert, Virginia	Berger, Kinnaird
Hinton, Chad	Ballantine
Howell, Kevin	Ballantine
Huntley, Denise	Clodfelter
Jernigan, Julie	Page Intern
Martin, Matthew	Hoyle
Melchior, Frank	Horton
Overcash, Brad	Pittenger
Piracci, Sandy	Kinnaird
Reynolds, Phillip	Queen
Ross, Amy	Dalton
Self, Elizabeth	Metcalf
Smith, Megan	Foxx
Summerville, Allison	Dannelly
Sutherland, Jacob	Ballantine
Toney, Sarah Ann	Kerr
Wilson, Tiffani	Shaw
Youngken, Abby	Hagan

SENATE PRESIDENT PRO TEMPORE APPOINTMENTS

The following appointments and recommendations to Boards and Commissions were made during 2003 by the Honorable Marc Basnight, President *Pro Tempore*.

	Appointed	Expires
ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, JOINT LEGISLATIVE		
G.S. 120-70.100		
Senator John H. Kerr III (Co-Chair)	10/2/2003	1/14/2005
Senator Virginia Foxx	10/2/2003	1/14/2005
Senator Fletcher L. Hartsell, Jr.	10/2/2003	1/14/2005
Senator William R. Purcell	10/2/2003	1/14/2005
Senator Joe Sam Queen	10/2/2003	1/14/2005
Senator Eric Miller Reeves	10/2/2003	1/14/2005
Senator Scott E. Thomas	10/2/2003	1/14/2005
Senator Hugh Webster	10/2/2003	1/14/2005
ADVISORY BUDGET COMMISSION		
G.S. 143-4(a)		
Senator Walter Dalton	11/13/2003	1/31/2005
Senator John Garwood	11/13/2003	1/31/2005
Senator Linda Garrou	11/13/2003	1/31/2005
Senator Wib Gulley	11/13/2003	1/31/2005
Senator Kay Hagan	11/13/2003	1/31/2005
AGING STUDY COMMISSION		
G.S. 120-182		
Senator A. B. Swindell IV (Co-Chair)	10/15/2003	6/30/2005
Senator Austin M. Allran	10/15/2003	6/30/2005
Senator Charlie Smith Dannelly	10/15/2003	6/30/2005
Senator Tony P. Moore	10/15/2003	6/30/2005
Senator Joe Sam Queen	10/15/2003	6/30/2005
Mr. Brad Allen	10/15/2003	6/30/2005
Ms. Josephine C. Elliot	10/15/2003	6/30/2005
Mr. Sam Marsh	10/15/2003	6/30/2005
BIOTECHNOLOGY CENTER BOARD OF DIRECTORS		
Bylaws-10/17/2000		
Mr. John D. Chafee	8/26/2003	6/30/2005
Mr. Robert B. Jordan III	8/26/2003	6/30/2005
Mr. Tim Valentine	8/26/2003	6/30/2005
BLOUNT STREET HISTORIC DISTRICT OVERSIGHT COMMITTEE		
Bylaws-10/17/2000		
Mrs. Linda Edmisten	12/9/2003	7/1/2007
Mrs. Judy Hunt	12/9/2003	7/1/2007

<i>President Pro Tempore Appointments</i>	Appointed	Expires
BLUE RIBBON COMMISSION TO STUDY SOLUTIONS TO NORTH CAROLINA'S URBAN TRANSPORTATION NEEDS (2003)		
SL2003-383 sec. 5(a)		
Senator Wilbur P. Gulley (Co-Chair)	10/22/2003	1/15/2005
Senator Charlie Smith Dannelly	10/22/2003	1/15/2005
Senator Katie G. Dorsett	10/22/2003	1/15/2005
Senator Linda D. Garrou	10/22/2003	1/15/2005
Senator Eric Miller Reeves	10/22/2003	1/15/2005
Senator Robert A. Rucho	10/22/2003	1/15/2005
BOARD OF DIETETICS/NUTRITION		
G.S. 90-353; SL91-668		
Ms. Julienne Stewart	9/23/2003	6/30/2006
CANCER COORDINATION AND CONTROL ADVISORY COMMITTEE		
G.S. 130A-33.50; SL93-321		
Senator Virginia Foxx	10/14/2003	6/30/2007
Ms. Mary Swartz	10/14/2003	6/30/2007
CAPITAL PLANNING COMMISSION		
G.S. 143B-373; SL91-739		
Senator Hamilton C. Horton, Jr.	10/14/2003	1/31/2005
Senator David W. Hoyle	10/14/2003	1/31/2005
Senator Vernon Malone	10/14/2003	1/31/2005
Senator Eric Miller Reeves	10/14/2003	1/31/2005
CHILD CARE COMMISSION		
G.S. 143B-168.4; SL91-273		
Ms. Linda Grissom	9/23/2003	6/30/2005
Ms. Ann Mercer	9/23/2003	6/30/2005
CHILD FATALITY TASK FORCE		
G.S. 7B-1402; SL98-202		
Senator Austin M. Allran	10/2/2003	1/31/2005
Senator Stan Bingham	10/2/2003	1/31/2005
Senator Cecil Hargett	10/2/2003	1/31/2005
Senator William R. Purcell	10/2/2003	1/31/2005
Senator Eric Miller Reeves	10/2/2003	1/31/2005
Mr. Frank E. Emory, Sr.	10/2/2003	1/31/2005
Capt. Dan Nagle	10/2/2003	1/31/2005
The Honorable Frank R. Parrish	10/2/2003	1/31/2005
Ms. Sarah Verbiest	10/2/2003	1/31/2005
Mrs. Martha Wilson	10/2/2003	1/31/2005

President Pro Tempore Appointments Appointed Expires

CHILDREN AND YOUTH STUDY COMMISSION

G.S. 120-215

Senator Eleanor Kinnaird (Co-Chair)	9/15/2003	8/13/2005
Senator Stan Bingham	9/15/2003	8/13/2005
Senator Charlie Smith Dannelly	9/15/2003	8/13/2005
Senator Jeanne Hopkins Lucas	9/15/2003	8/13/2005
Senator Scott E. Thomas	9/15/2003	8/13/2005
Dr. Margaret Bourdeaux	9/15/2003	8/13/2005
Mr. John Combs	9/15/2003	8/13/2005
SGM Johnny Ray Farmer	9/15/2003	8/13/2005
Mr. Joseph Jay Gaca	9/15/2003	8/13/2005
Mr. Ron Morton	9/15/2003	8/13/2005
The Honorable Kenneth C. Titus	9/15/2003	8/13/2005

CLEAN WATER MANAGEMENT TRUST FUND BOARD OF TRUSTEES

G.S. 113-145.5

Lt. Col. William Joseph Brooks III	8/28/2003	7/1/2005
Mr. William E. Hollan, Jr.	8/28/2003	7/1/2004
Mr. Alexander G. MacFadyen, Jr.	8/28/2003	7/1/2007
Mr. Dickson McLean, Jr.	8/28/2003	7/1/2005
The Honorable Johnnie R. Mosley (Reappointed/Term change)	2/3/2003	12/31/2006
The Honorable Johnnie R. Mosley	8/28/2003	7/1/2007
Ms. Claudette Weston	8/28/2003	7/1/2006
Mr. Jerry Worley Wright	8/28/2003	7/1/2006

**CONSUMER AND ADVOCACY ADVISORY COMMITTEE
FOR THE BLIND**

G.S. 143B-163; SL91-1030

Senator William R. Purcell	10/2/2003	6/30/2005
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**CORRECTIONS, CRIME CONTROL AND JUVENILE
JUSTICE OVERSIGHT COMMITTEE, JOINT LEGISLATIVE**

G.S. 120-70.93

Senator Scott E. Thomas (Co-Chair)	10/14/2003	1/19/2005
Senator Tom Apodaca	10/14/2003	1/19/2005
Senator Stan Bingham	10/14/2003	1/19/2005
Senator Dan Clodfelter	10/14/2003	1/19/2005
Senator Robert Lee Holloman	10/14/2003	1/19/2005
Senator Eleanor Kinnaird	10/14/2003	1/19/2005
Senator R. B. Sloan, Jr.	10/14/2003	1/19/2005
Senator A. B. Swindell IV	10/14/2003	1/19/2005

President Pro Tempore Appointments* **Appointed** **Expires*

**COUNCIL ON EDUCATIONAL SERVICES FOR
EXCEPTIONAL CHILDREN**

G.S. 115C-121

Senator Jeanne Hopkins Lucas	10/15/2003	6/30/2005
Ms. Elizabeth H. Thompson	10/15/2003	6/30/2005

COURTS COMMISSION

G.S. 7A-506

Senator Patrick J. Ballantine	9/23/2003	6/30/2007
Senator Dan Clodfelter	9/23/2003	6/30/2007
Senator Walter H. Dalton	9/23/2003	6/30/2007
Mr. Thomas W. Ellis, Jr.	9/23/2003	6/30/2007

CRIMINAL JUSTICE INFORMATION NETWORK GOVERNING BOARD

G.S. 143-660

Mr. Martin Chriscoe	9/23/2003	6/30/2005
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DEAF AND HARD OF HEARING COUNCIL

G.S. 143B-216.31; SL93-551

Senator William R. Purcell	10/14/2003	6/30/2005
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**DISCIPLINARY HEARING COMMISSION OF THE NORTH CAROLINA
STATE BAR**

G.S. 84-28.1; SL83-390

Mr. R. Mitchell Tyler	9/23/2003	6/30/2006
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DOROTHEA DIX HOSPITAL PROPERTY STUDY COMMISSION

SL2003-314 sec. 3.4(a)

Senator Eric Miller Reeves (Co-Chair)	10/15/2003	
Ms. Barbara L. Goodmon	10/15/2003	
Mr. Joseph Huberman	10/15/2003	
The Honorable Charles Meeker	10/15/2003	

EASTERN BAND OF THE CHEROKEE ADVISORY COUNCIL

G.S. 143B-411.1; SL89-727

Senator Stephen M. Metcalf	10/2/2003	6/30/2004
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ECONOMIC DEVELOPMENT BOARD

G.S. 143B-434

Senator Walter H. Dalton	4/3/2003	6/30/2003
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President Pro Tempore Appointments* **Appointed** **Expires*

ECONOMIC GROWTH AND DEVELOPMENT, JOINT SELECT COMMITTEE

G.S. 120-19.6; Letter of 09-04-2003-House Rule 26(a), Senate Rule 31

Senator Fletcher L. Hartsell, Jr.(Co-Chair)	9/4/2003	Final Report
Senator John H. Kerr III (Co-Chair)	9/4/2003	
Senator Walter H. Dalton	9/4/2003	
Senator Charlie Smith Dannelly	9/4/2003	
Senator Linda D. Garrou	9/4/2003	
Senator S. Clark Jenkins	9/4/2003	
Senator Joe Sam Queen	9/4/2003	
Senator R. B. Sloan, Jr.	9/4/2003	
Senator Richard Y. Stevens	9/4/2003	
Senator David F. Weinstein	9/4/2003	

ECONOMIC INVESTMENT COMMITTEE

G.S. 143B-437.48; SL2002-172 sec. 2.1(a)

Mr. W. Harrell Everett	1/21/2003	1/21/2005
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EDUCATION COMMISSION OF THE STATES

G.S. 115C-104

Senator Vernon Malone	10/17/2003	12/31/2005
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EDUCATION OVERSIGHT COMMITTEE, JOINT LEGISLATIVE

G.S. 120-70.80(1)

Senator Steve Metcalf (Co-Chair)	11/19/2003	1/31/2005
Senator Tom Apodaca	11/19/2003	1/31/2005
Senator Charlie Dannelly	11/19/2003	1/31/2005
Senator Linda Garrou	11/19/2003	1/31/2005
Senator John Garwood	11/19/2003	1/31/2005
Senator Kay Hagan	11/19/2003	1/31/2005
Senator Fletcher Hartsell	11/19/2003	1/31/2005
Senator Vernon Malone	11/19/2003	1/31/2005
Senator Robert Rucho	11/19/2003	1/31/2005
Senator A.B. Swindell IV	11/19/2003	1/31/2005
Senator Scott Thomas	11/19/2003	1/31/2005
Senator Katie Dorsett (Advisory Member)	11/19/2003	
Senator Tony Moore (Advisory Member)	11/19/2003	
Senator Richard Stevens (Advisory Member)	11/19/2003	

ENERGY POLICY COUNCIL

G.S. 113B-2; SL77-23

Senator Hamilton C. Horton, Jr.	3/20/2003	1/31/2005
Senator Eleanor Kinnaird	3/20/2003	1/31/2005

President Pro Tempore Appointments* **Appointed** **Expires*

ENVIRONMENTAL MANAGEMENT COMMISSION

G.S. 143B-282; SL91-990

Mr. John R. Gessaman	9/23/2003	6/30/2005
Mr. Freddie Harrell	9/23/2003	6/30/2005

ENVIRONMENTAL REVIEW COMMISSION

G.S. 120-70.41; SL1997-31

Senator Dan Clodfelter (Co-Chair)	10/15/2003	1/19/2005
Senator Charlie Albertson	10/15/2003	1/19/2005
Senator James S. Forrester	10/15/2003	1/19/2005
Senator Hamilton C. Horton, Jr.	10/15/2003	1/19/2005
Senator Eleanor Kinnaird	10/15/2003	1/19/2005
Senator Jeanne Hopkins Lucas	10/15/2003	1/19/2005
Senator A. B. Swindell IV	10/15/2003	1/19/2005
Senator David Weinstein	10/15/2003	1/19/2005

EXECUTIVE BUDGET ACT REVISIONS, JOINT COMMITTEE

SL2003-284 sec. 6.12(a)

Senator Kay Hagan	11/26/2003
Senator Walter Dalton	11/24/2003
Senator Linda Garrou	11/26/2003
Senator Vernon Malone	11/24/2003

FIRE AND RESCUE COMMISSION

G.S. 58-78-1; SL93-155

Mr. William Winn	9/23/2003	6/30/2004
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FIRST FLIGHT CENTENNIAL COMMISSION

G.S. 143-640; SL93-777

Ms. Artie Ange, Ex-Officio	6/16/2003	6/30/2004
Mrs. Penny Leary-Smith	6/16/2003	6/30/2004
Mr. William H. Williams, Jr.	6/16/2003	6/30/2004
Mr. Edwin W. Woodhouse	6/16/2003	6/30/2004

**FUTURE OF ELECTRIC SERVICE IN NORTH CAROLINA
STUDY COMMISSION**

SL1997-40

Senator R. B. Sloan, Jr.	6/11/2003	1/15/2005
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President Pro Tempore Appointments* **Appointed** **Expires*

FUTURE OF THE NORTH CAROLINA RAILROAD STUDY COMMISSION

G.S. 120-245; SL1999-237 sec. 27.25

Senator Walter H. Dalton (Co-Chair)	10/27/2003	1/19/2005
Senator Linda D. Garrou	10/27/2003	1/19/2005
Senator Wilbur P. Gulley	10/27/2003	1/19/2005
Senator Kay R. Hagan	10/27/2003	1/19/2005
Senator Fletcher L. Hartsell, Jr.	10/27/2003	1/19/2005
Senator David W. Hoyle	10/27/2003	1/19/2005
Senator John H. Kerr III	10/27/2003	1/19/2005
Senator Stephen M. Metcalf	10/27/2003	1/19/2005
Senator Eric Miller Reeves	10/27/2003	1/19/2005

FUTURE STRATEGIES FOR NORTH CAROLINA, JOINT LEGISLATIVE

G.S. 120-84.6

Senator Charles W. Albertson	11/10/2003	1/19/2005
Senator Austin M. Allran	11/10/2003	1/19/2005
Senator Charlie S. Dannelly	11/10/2003	1/19/2005
Senator John H. Kerr III	11/10/2003	1/19/2005
Senator Joe Sam Queen	11/10/2003	1/19/2005
Senator Robert A. Rucho	11/10/2003	1/19/2005

GENERAL STATUTES COMMISSION

G.S. 164-12

Senator Fletcher L. Hartsell, Jr.	9/12/2003	5/31/2005
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GEOGRAPHIC INFORMATION COORDINATING COUNCIL

G.S. 143-725; SL2001-359

Mrs. Jean Crews-Klein	6/25/2003	5/31/2004
Mr. Thomas B. Gray, Jr.	6/16/2003	5/31/2004
Mr. Timothy Lesser	6/16/2003	5/31/2004

GLOBAL TRANSPARK AUTHORITY BOARD OF DIRECTORS

G.S. 63A-3

Senator S. Clark Jenkins	9/23/2003	6/30/2007
Senator Tony P. Moore	9/23/2003	6/30/2007

GOLDEN L.E.A.F. (LONG-TERM ECONOMIC ADVANCEMENT FOUNDATION) CORPORATION, INC.

SL1999-2; Consent Decree-98CVS14377

Mr. Frank B. Holding, Jr.	9/3/2003	11/30/2004
Ms. Debbie Worley	1/10/2003	11/30/2006

<i>President Pro Tempore Appointments</i>	Appointed	Expires
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GOVERNMENTAL OPERATIONS COMMISSION, JOINT LEGISLATIVE

G.S. 120-73

Senator Charles W. Albertson	10/14/2003	1/15/2005
Senator Patrick J. Ballantine	10/14/2003	1/15/2005
Senator Dan Clodfelter	10/14/2003	1/15/2005
Senator Walter H. Dalton	10/14/2003	1/15/2005
Senator Charlie Smith Dannelly, Ex-Officio	10/14/2003	1/15/2005
Senator James S. Forrester	10/14/2003	1/15/2005
Senator Linda D. Garrou	10/14/2003	1/15/2005
Senator Wilbur P. Gulley	10/14/2003	1/15/2005
Senator Fletcher L. Hartsell, Jr.	10/14/2003	1/15/2005
Senator David W. Hoyle	10/14/2003	1/15/2005
Senator Eleanor Kinnaird	10/14/2003	1/15/2005
Senator Jeanne Hopkins Lucas	10/14/2003	1/15/2005
Senator Stephen M. Metcalf	10/14/2003	1/15/2005
Senator Anthony E. Rand, Ex-Officio	10/14/2003	1/15/2005
Senator Eric Miller Reeves	10/14/2003	1/15/2005
Senator Robert A. Rucho	10/14/2003	1/15/2005
Senator R. C. Soles, Jr.	10/14/2003	1/15/2005
Senator Scott E. Thomas	10/14/2003	1/15/2005

GOVERNOR'S ADVISORY COUNCIL ON AGING

G.S. 143B-180

Ms. Betty Britt Rising	1/2/2003	6/30/2006
Mrs. Eleanor Beasley (Resigned)	10/15/2003	6/30/2007
Mr. Ed Worley	11/25/2003	6/30/2007

GOVERNOR'S ADVOCACY COUNCIL FOR PERSONS WITH DISABILITIES

G.S. 143B-403.1; SL89-121

Ms. Linda Guzman	9/23/2003	6/30/2005
Ms. Thomasine Kennedy	9/23/2003	6/30/2005

GOVERNOR'S COUNCIL ON PHYSICAL FITNESS AND HEALTH

G.S. 130A-33.41; SL91-96

Senator James S. Forrester	10/16/2003	7/1/2005
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GOVERNOR'S CRIME COMMISSION

G.S. 143B-478; SL91-739

Senator Eric Miller Reeves	4/16/2003	2/28/2005
Senator Scott E. Thomas	4/16/2003	2/28/2005

HEART DISEASE AND STROKE PREVENTION TASK FORCE

SL2002-126 sec. 10.45

Senator William R. Purcell	9/23/2003	
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President Pro Tempore Appointments **Appointed** **Expires**

HEALTH CARE OVERSIGHT COMMITTEE, JOINT LEGISLATIVE

G.S. 120-70.112

Senator Anthony E. Rand (Co-Chair)	11/18/2003	1/19/2005
Senator James Forrester	11/18/2003	1/19/2005
Senator Linda Garrou	11/18/2003	1/19/2005
Senator Wib Gulley	11/18/2003	1/19/2005
Senator Fletcher Hartsell	11/18/2003	1/19/2005
Senator Vernon Malone	11/18/2003	1/19/2005
Senator William Purcell	11/18/2003	1/19/2005
Senator Robert Rucho	11/18/2003	1/19/2005

HIGHER EDUCATION BOND OVERSIGHT COMMITTEE

SL2000-3 sec. 4

Mr. William A. Long	6/16/2003	1/14/2004
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HIGHWAY TRUST FUND STUDY COMMITTEE

SL2003-284 sec. 29.12(a)

Senator Wilbur P. Gulley (Co-Chair)	10/21/2003	11/1/2004
Senator Dan Clodfelter	10/21/2003	11/1/2004
Senator Linda D. Garrou	10/21/2003	11/1/2004
Senator S. Clark Jenkins	10/21/2003	11/1/2004
Senator Larry Shaw	10/21/2003	11/1/2004
Mr. Samuel Hunt III	10/21/2003	11/1/2004
Mr. Charles M. Shelton	10/21/2003	11/1/2004
Mr. Robert Spencer	10/21/2003	11/1/2004
Ms. Nina S. Szlosberg	10/21/2003	11/1/2004

HOUSING FINANCE AGENCY BOARD OF DIRECTORS

G.S. 122A-4; SL91-1039

Mr. Sam Ewell	9/23/2003	6/30/2005
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INFORMATION TECHNOLOGY, JOINT SELECT COMMITTEE

G.S. 120-230

Senator Eric Miller Reeves (Co-Chair)	10/16/2003	8/15/2005
Senator Austin M. Allran	10/16/2003	8/15/2005
Senator Dan Clodfelter	10/16/2003	8/15/2005
Senator Katie G. Dorsett	10/16/2003	8/15/2005
Senator Kay R. Hagan	10/16/2003	8/15/2005

**INTERAGENCY COORDINATING COUNCIL FOR CHILDREN FROM
BIRTH TO FIVE WITH DISABILITIES AND THEIR FAMILIES**

G.S. 143B-179.5

Ms. Cheryl Mulloy (Co-Chair)	9/16/2003	6/30/2005
Senator William R. Purcell	1/7/2003	7/1/2004

President Pro Tempore Appointments* **Appointed** **Expires*

INTERPRETER AND TRANSLITERATOR LICENSING BOARD

G.S. 90D-5

Ms. Kathleen Beetham	9/23/2003	7/1/2005
Ms. Lorene Roberson	9/23/2003	7/1/2006
Mr. James Sewell	9/23/2003	7/1/2006

INTERSTATE ADULT OFFENDER SUPERVISION COUNCIL

G.S. 148-65.6

Senator Scott E. Thomas	8/29/2003	12/31/2006
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**JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION
TASK FORCE**

G.S. 143B-216.60

Senator William R. Purcell	9/23/2003	1/15/2005
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LEGISLATIVE ETHICS COMMITTEE

G.S. 120-99

Senator Dan Clodfelter (Co-Chair)	5/21/2003	12/31/2004
Senator John A. Garwood	5/21/2003	12/31/2004
Senator Fletcher L. Hartsell, Jr.	5/21/2003	12/31/2004
Senator Jeanne H. Lucas	5/21/2003	12/31/2004
Senator Stephen M. Metcalf	5/21/2003	12/31/2004

LEGISLATIVE RESEARCH COMMISSION

G.S. 120-30.10

Senator Charles W. Albertson	10/17/2003	1/15/2005
Senator Austin M. Allran	10/17/2003	1/15/2005
Senator Charlie Smith Dannelly	10/17/2003	1/15/2005
Senator Linda D. Garrou	10/17/2003	1/15/2005
Senator Jeanne Hopkins Lucas	10/17/2003	1/15/2005

LEGISLATIVE SERVICES COMMISSION

G.S. 120-31

Senator John H. Carrington	10/16/2003	1/19/2005
Senator Walter H. Dalton	10/16/2003	1/19/2005
Senator Virginia Foxx	10/16/2003	1/19/2005
Senator Anthony E. Rand	10/16/2003	1/19/2005
Senator Eric Miller Reeves	10/16/2003	1/19/2005
Senator Larry Shaw	10/16/2003	1/19/2005
Senator R. C. Soles, Jr.	10/16/2003	1/19/2005

MASSAGE AND BODYWORK THERAPY BOARD

G.S. 90-625; SL98-230 sec. 10

Dr. Susan Ehrlich	9/23/2003	6/30/2006
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President Pro Tempore Appointments* **Appointed** **Expires*

**MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND
SUBSTANCE ABUSE SERVICES COMMISSION**

G.S. 143B-147

Mr. Tom Ryba	9/23/2003	6/30/2006
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**MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND
SUBSTANCE ABUSE SERVICES, JOINT LEGISLATIVE OVERSIGHT**

G.S. 120-240; SL2000-83 sec. 2

Senator Stephen M. Metcalf (Co-Chair)	11/6/2003	1/31/2005
Senator Austin M. Allran	11/6/2003	1/31/2005
Senator Charlie Dannelly	11/6/2003	1/31/2005
Senator Katie G. Dorsett	11/6/2003	1/31/2005
Senator Virginia A. Foxx	11/6/2003	1/31/2005
Senator Cecil Hargett	11/6/2003	1/31/2005
Senator William R. Purcell	11/6/2003	1/31/2005
Senator Eric Miller Reeves	11/6/2003	1/31/2005

MUNICIPAL INCORPORATIONS, JOINT LEGISLATIVE COMMISSION

G.S. 120-158

Senator Fletcher L. Hartsell, Jr. (Co-Chair)	9/16/2003	6/30/2005
Senator Vernon Malone	9/16/2003	6/30/2005
Mr. Stephen W. Raper	9/16/2003	6/30/2005

MUSEUM OF ART BOARD OF TRUSTEES

G.S. 140-5.13; SL91-756

Ms. Patricia Jackson	9/23/2003	6/30/2005
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NATIONAL HERITAGE AREA DESIGNATION COMMISSION

SL2001-191 sec. 18.4

Senator Stephen M. Metcalf (Co-Chair)	10/2/2003	12/31/2003
Senator Joe Sam Queen	10/2/2003	12/31/2003

NEW LICENSING BOARDS COMMITTEE

G.S. 120-149.6

Senator Stan Bingham	3/12/2003	12/31/2004
Senator Fletcher L. Hartsell, Jr.	3/12/2003	12/31/2004
Senator R. C. Soles, Jr.	3/12/2003	12/31/2004
Senator A. B. Swindell IV	3/12/2003	12/31/2004
Senator Scott E. Thomas	3/12/2003	12/31/2004

NORTH CAROLINA PROGRESS BOARD

G.S. 143B-372.1

Senator Stephen M. Metcalf	10/17/2003	6/30/2007
Mr. Marlowe Foster	10/17/2003	6/30/2006

***President Pro Tempore Appointments* Appointed Expires**

NORTH CAROLINA TURNPIKE AUTHORITY BOARD

G.S. 136-89.182; SL2002-133 sec. 1

Mr. Robert Spencer	1/1/2003	1/14/2007
Mr. Laney Wilson	1/1/2003	1/14/2007

PARKS AND RECREATION AUTHORITY

G.S. 143B-313.1; SL95-456

Ms. Cynthia Tart	9/23/2003	6/30/2005
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PRIVATE PROTECTIVE SERVICES BOARD

G.S. 74C-4; SL94-ES24

Mr. Albert Austin	9/23/2003	6/30/2006
Mr. Berkley Blanks	9/23/2003	6/30/2006

PROFESSIONAL TEACHING STANDARDS COMMISSION

G.S. 115C-295.1; SL93-740

Mrs. Margaret McKinney	2/18/2003	8/30/2004
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PUBLIC HEALTH STUDY COMMISSION

G.S. 120-195

Senator Katie G. Dorsett	10/28/2003	6/30/2004
Mrs. Susan Neely	10/21/2003	6/30/2005
Mr. Robert S. Parker	10/21/2003	6/30/2005

PUBLIC SCHOOL FORUM OF NORTH CAROLINA, INC.

BOARD OF DIRECTORS

Bylaws

Senator Walter H. Dalton	10/22/2003	12/31/2004
Senator Katie G. Dorsett	11/12/2003	12/31/2004
Senator Fletcher L. Hartsell, Jr.	10/22/2003	12/31/2004
Senator Jeanne Hopkins Lucas (Resigned)	10/22/2003	12/31/2004
Senator Stephen M. Metcalf	10/22/2003	12/31/2004

REVENUE LAWS STUDY COMMITTEE

G.S. 120-70.105

Senator John H. Kerr III (Co-Chair)	9/16/2003	1/14/2005
Senator Dan Clodfelter	9/16/2003	1/14/2005
Senator Walter H. Dalton	9/16/2003	1/14/2005
Senator Fletcher L. Hartsell, Jr.	9/16/2003	1/14/2005
Senator David W. Hoyle	9/16/2003	1/14/2005
Senator Hugh Webster	9/16/2003	1/14/2005
Mr. Leonard W. Jones	9/16/2003	1/14/2005
Mr. J. Micah Pate III	9/16/2003	1/14/2005

President Pro Tempore Appointments **Appointed** **Expires**

ROANOKE ISLAND COMMISSION

G.S. 143B-131.1; SL93-769

Ms. Ann Eubanks	9/23/2003	6/30/2005
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ROANOKE RIVER BASIN ADVISORY COMMITTEE

G.S. 77-103; SL2002-177 sec. 1

Senator A. B. Swindell IV (Co-Chair)	8/19/2003	5/31/2004
Senator Robert Lee Holloman	8/29/2003	5/31/2004
Senator S. Clark Jenkins	8/29/2003	5/31/2004

RULES REVIEW COMMISSION

G.S. 143B-30.1; SL95-490

Mr. Jeffrey P. Gray	9/23/2003	6/30/2005
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SEAFOOD AND AQUACULTURE, JOINT LEGISLATIVE COMMISSION

G.S. 120-70.60

Senator Charles W. Albertson (Co-Chair)	5/21/2003	1/31/2005
Senator R. B. Sloan, Jr.	5/21/2003	1/31/2005
Senator A. B. Swindell IV	5/21/2003	1/31/2005
Senator Scott E. Thomas	5/21/2003	1/31/2005

SENATE INTERIM COMMITTEE ON THE HIGHWAY TRUST FUND

G.S. 120-19.6

Senator Dan Clodfelter	1/15/2003	1/29/2003
Senator Linda D. Garrou	1/15/2003	1/29/2003
Senator Wilbur P. Gulley	1/15/2003	1/29/2003
Senator David W. Hoyle	1/15/2003	1/29/2003
Senator Larry Shaw	1/15/2003	1/29/2003
Mr. Samuel Hunt III	1/15/2003	1/29/2003
Mr. Louis W. Sewell, Jr.	1/15/2003	1/29/2003
Mr. Charles M. Shelton	1/15/2003	1/29/2003
Mr. Robert Spencer	1/15/2003	1/29/2003
Ms. Nina S. Szlosberg	1/15/2003	1/29/2003

**STATE BOARD OF EDUCATION'S BUSINESS AND EDUCATION
TECHNOLOGY ALLIANCE**

SL2002-126 sec. 7.27(a)

Senator Linda D. Garrou	6/23/2003	7/1/2005
Senator Eric Miller Reeves	6/23/2003	7/1/2005
Dr. David Baldaia	6/23/2003	7/1/2005
Ms. Amy Bridges	10/23/2003	7/1/2005
Ms. Dawn Craft	6/23/2003	7/1/2005
Dr. Darrin Hartness	6/23/2003	7/1/2005
Dr. Larry Price	6/23/2003	7/1/2005

<i>President Pro Tempore Appointments</i>	Appointed	Expires
STATE DISABILITY INCOME PLAN STUDY COMMISSION		
SL2002-180 sec. 14.1		
Ms. Mary Anne Hocutt	5/5/2003	12/31/2003
Mr. Wayne Rogers	5/5/2003	12/31/2003
STATE INFRASTRUCTURE COUNCIL		
G.S. 143B-344.30; SL1998-132 sec. 14		
Senator John H. Kerr III	9/16/2003	6/30/2005
Senator Stephen M. Metcalf	9/16/2003	6/30/2005
Mr. Tyndall Lewis	9/16/2003	6/30/2005
STATE LIBRARIAN CERTIFICATION COMMISSION		
G.S. 143B-90; SL91-757		
Ms. Nancy Cowal	10/15/2003	6/30/2007
TEACHER ACADEMY BOARD OF TRUSTEES		
SL95-324 sec. 17.9		
Ms. Helen Pridgen	9/23/2003	6/30/2007
Ms. Sara Reynolds	9/23/2003	6/30/2007
THERAPEUTIC RECREATION CERTIFICATION BOARD		
G.S. 90C-5; SL85-966		
Mr. Mike Hamer	9/23/2003	6/30/2007
TOBACCO TRUST FUND COMMISSION		
G.S. 143-717; SL2000-147 sec. 3		
Mr. Kenneth W. Jones	9/17/2003	6/30/2007
TRANSPORTATION OVERSIGHT COMMITTEE, JOINT LEGISLATIVE		
G.S. 120-70.50		
Senator Wilbur P. Gulley (Co-Chair)	5/15/2003	1/14/2005
Senator Philip E. Berger	5/15/2003	1/14/2005
Senator Robert C. Carpenter	5/15/2003	1/14/2005
Senator Hamilton C. Horton, Jr.	5/15/2003	1/14/2005
Senator David W. Hoyle	5/15/2003	1/14/2005
Senator S. Clark Jenkins	5/15/2003	1/14/2005
Senator John H. Kerr III	5/15/2003	1/14/2005
Senator Anthony E. Rand	5/15/2003	1/14/2005
Senator Eric Miller Reeves	5/15/2003	1/14/2005
TRAUMATIC BRAIN INJURY ADVISORY COUNCIL		
G.S. 143B-216.66(1)(a)		
Mr. Ken Farmer	11/18/2003	9/30/2007
Dr. David Good	11/18/2003	9/30/2007
Ms. Elsie Siebelink	11/18/2003	9/30/2007

President Pro Tempore Appointments **Appointed** **Expires**

UTILITY REVIEW COMMITTEE, JOINT LEGISLATIVE

G.S. 120-70.1

Senator David W. Hoyle (Co-Chair)	11/10/2003	1/19/2005
Senator Charles W. Albertson	11/10/2003	1/19/2005
Senator Charlie S. Dannelly	11/10/2003	1/19/2005
Senator John A. Garwood	11/10/2003	1/19/2005
Senator R.C. Soles, Jr.	11/10/2003	1/19/2005

**VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED
RAIL COMMISSION**

SL2003-284 sec. 29.19(b)

Senator Wilbur P. Gulley (Co-Chair)	9/9/2003	11/30/2004
Senator Linda D. Garrou	9/9/2003	11/30/2004
Senator Kay R. Hagan	9/9/2003	11/30/2004
Senator Robert A. Rucho	9/9/2003	11/30/2004

WELL CONTRACTORS CERTIFICATION COMMISSION

G.S. 143B-301.11

Ms. Connie Pixley	9/23/2003	6/30/2006
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**WESTERN NORTH CAROLINA REGIONAL ECONOMIC
DEVELOPMENT COMMISSION**

G.S. 158-8.1

Ms. Wanda J. Proffitt	9/23/2003	6/30/2007
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- Dr. Daniel J. Albright, Raleigh..... 46.
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Dr. Erik C. Summers, Greenville	84.
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Dr. Shirish D. Devasthali, Fayetteville.....	711.
Dr. Grant F. Koher, Chapel Hill.....	721.
Dr. Kathleen J. Clem, Durham.....	750.
Dr. Vicki M. Lanier, Elizabethtown.....	770.
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Julia Aucoin, Durham.....	148.
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- H 396 Change Name of Edgecombe County Schools
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- H 313 Rocky Mount Charter Revision
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- S 949 Link Principal's Bonus to Four Year Graduation Rate
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H	201	Name on Ballot (S.L. 2003-209.).....	411, 594, 616, 684, 803.
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H	797	Assistance to LEAs on Implementation of No Child Left Behind Act (S.L. 2003-419.)(Inc. S.L. 2003-284.).....	440, 655, 979, 994, 1002, 1098.
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H	319	Charter School Law Changes (Education/Higher Education Com).....	500.
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S	35	Charter Schools/Deed Registration (S.L. 2003-354.).....	69, 186, 354, 370, 383, 998, 1018, 1033, 1089.
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S	231	Classroom Experience for School Personnel (Education/Higher Education Com).....	107.
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S	714	Compensation/Public School Employees/Active Duty (S.L. 2003-301.).....	277, 377, 396, 812, 821, 823, 874.

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S	699	Eliminate High School Exit Exam (Education/Higher Education Com).....	275.
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H	1166	Local Flexibility Regarding Job Sharing in Schools (Pensions & Retirement and Aging Com)	485, 530.
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S	955	Modify Law/Contracts for School Principals (S.L. 2003-291.).....	314, 459, 478, 798, 811, 813, 873.
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S	620	Purchasing Flexibility for Schools (S.L. 2003-147.).....	249, 386, 390, 409, 424, 588, 602, 607, 687.
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H	340	School Calendar Flexibility/Inclement Weather (S.L. 2003-8.).....	219, 262, 269, 278, 325.
S	172	School Calendar Flexibility/Iredell & Catawba (Education/Higher Education Com).....	100.
H	17	School Curriculum Should Include Consumer Education (Education/Higher Education Com) (Inc. S.L. 2003-284.).....	398.
H	1032	School Food/Beverage Purchases (S.L. 2003-257.).....	484, 713, 731, 736, 845.
S	1002	School Starts After Labor Day (Education/Higher Education Com).....	321.
S	994	School Suspension for Sale of Alcohol/Drug (H Rules, Calendar, and Operations of the House Com).....	320, 459, 478.
H	1114	School Volunteer Records Private (S.L. 2003-353.).....	485, 945, 964, 1003, 1089.
S	779	Schools Begin After Labor Day (Rules and Operations of the Senate Com).....	291, 468, 472.
H	943	Schools Can't Recommend Certain Medications (Health and Human Resources Com).....	483.

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H	317	State Assistance to Low-Performing LEAs (Appropriations/Base Budget Com).....	439, 675.
S	641	State Board of Education Representatives Elected (Education/Higher Education Com).....	256.
S	951	Student Advisor to Local Board of Education (Education/Higher Education Com).....	314.
S	857	Student Transportation Purchases (Education/Higher Education Com).....	301.
S	886	Sun Safety for School Children (H Education Subcommittee on Pre-School, Elementary and Secondary Education Com)	305, 417, 437.
S	568	Superintendent of Public Instruction Appointed (H Education Com).....	240, 380, 394.
S	31	Teacher Credit for Excess Personal Leave (H Appropriations Com).....	68, 416, 461, 475.
S	710	Teacher Recruitment Incentives/Local Funds (Education/Higher Education Com).....	276.
H	281	Technical Corrections Act (Conf Com Appointed)	439, 625, 945, 949, 973, 980, 993, 995, 1005, 1013, 1060, 1063, 1064, 1067.
S	639	Textbooks Selected at the Local Level (Education/Higher Education Com).....	256.
S	583	Tobacco-Free Schools (S.L. 2003-421.).....	243, 405, 419, 450, 451, 921, 940, 946, 1098.
S	504	UNC Fines/Clarify Deduction of Collect Costs (Finance Com)	210.
H	421	Veterans Day a Holiday for School Staff (S.L. 2003-131.).....	342, 564, 576, 582, 668.

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S	940	Disaster Leave/Volunteer Emergency Personnel (S.L. 2003-103.).....	312, 369, 382, 397, 562, 622.
S	974	Notification of Private Roads (H Judiciary IV Com)	317, 431, 443, 469, 472.
H	281	Technical Corrections Act (Conf Com Appointed)	439, 625, 945, 949, 973, 980, 993, 995, 1005, 1013, 1060, 1063, 1064, 1067.

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S	748	Only Easements (Judiciary II Com).....	286.

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- H 281 Technical Corrections Act
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973, 980, 993, 995, 1005,
1013, 1060, 1063, 1064, 1067.
- H 697 Troy Quick Take/Peachland/Polkton Charters
(S.L. 2003-328.)..... 488, 496, 717, 722,
776, 814, 851, 907,
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- H 1241 Employment Security Commission Surtax Delay
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- S 8 Industrial Disaster Unemployment Benefits
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- S 439 Omnibus Employment Security Commission Changes
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680, 693, 694, 696, 804.
- H 281 Technical Corrections Act
(Conf Com Appointed) 439, 625, 945, 949,
973, 980, 993, 995, 1005,
1013, 1060, 1063, 1064, 1067.

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- H 397 2003 Budget Act
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463, 492, 493, 510, 852,
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- S 784 Judgment Bonding Legislation
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- S 592 Engineers/Acquire Property/Raise Civil Penalty
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- S 945 Air Quality Permits
(S.L. 2003-428.)..... 313, 671, 806, 820, 931,
938, 942, 968, 975, 1099.
- S 888 Alter Waterflow/Impact on Adjacent Property
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Natural Resources Com)..... 305, 456, 462, 477, 480.
- S 837 Amend Environmental Laws - 1
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S	824	Amend Environmental Laws 2003 (S.L. 2003-340.).....	296, 358, 372, 827, 837, 840, 889, 905, 906, 909, 1087.
S	836	Amend Natural Resource Laws - 2 (Agriculture/Environment/Natural Resources Com)	298.
S	835	Amend Natural Resources Laws - 1 (Agriculture/Environment/Natural Resources Com)	298.
S	756	Brownfields Amendments (Agriculture/Environment/Natural Resources Com)	287.
S	981	Clean Air Trust Fund (Agriculture/Environment/Natural Resources Com)	318.
S	763	Clean Vehicles Program (Agriculture/Environment/Natural Resources Com)	288.
S	863	Climate Action Registry (Agriculture/Environment/Natural Resources Com)	302.
H	1201	Consecutive Water Systems/Manufactured Homes (S.L. 2003-173.).....	485, 629, 662, 667, 737.
S	591	Disapprove Swift Creek Reclassification (Agriculture/Environment/Natural Resources Com)	244.
H	1112	Environmental Laws Amended (Agriculture/Environment/ Natural Resources Com).....	484, 776, 787, 791, 808, 814, 829.
S	856	Environmental Management Commission to Develop Regulations (Agriculture/Environment/Natural Resources Com)	301.
H	1082	Environmental Reports Consolidation (Agriculture/Environment/Natural Resources Com)	427.
S	823	Environmental Technical Corrections (H Environment and Natural Resources Com)	296, 358, 371.
H	1083	Environmental Technical Corrections (Agriculture/Environment/Natural Resources Com)	427.
H	1028	Erosion Control Structures (S.L. 2003-427.).....	779, 818, 907, 935, 963, 1051, 1099.
H	1134	Extend Coastal Habitat Protection Plans Adoption Deadline (S.L. 2003-111.).....	441, 521, 527, 557, 563, 623.
S	593	Extend Swine Moratoria (S.L. 2003-266.).....	244, 358, 370, 381, 789, 846.
S	828	Farm Futures Pilot Program (Agriculture/Environment/Natural Resources Com)	297.
S	791	Farmland and Forestland Preservation (Agriculture/Environment/Natural Resources Com)	292.
H	1205	Franchise Not Requirement Smokestacks Landfills (S.L. 2003-37.).....	413, 444, 469, 474, 493, 540.
S	733	General Nondischarge Permits/ Animal Operations (S.L. 2003-28.).....	284, 376, 383, 424, 428, 472.
S	908	Groundwater Protection Act (Agriculture/Environment/Natural Resources Com)	308.

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S 624 Local Environmental Health Specialists
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H 996 Monitor Coastal Water Quality
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S 950 Open Spaces Preservation Incentives
 (Finance Com) 314.

S 829 Stormwater Compliance
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H 566 Swift Creek Reclassification
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H 281 Technical Corrections Act
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 973, 980, 993, 995, 1005,
 1013, 1060, 1063, 1064, 1067.

H 897 Underground Storage Tank Program Amendments
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S 732 Underground Storage Tank Program Amendments 2003
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S 937 Water and Sewer Laws Amended
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S 220 Winery Wastewater Management
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 854, 862, 864, 867, 871.

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S 539 State Bar Amendments
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560, 569, 571, 623.

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H 562 Charlotte Photo Speed Measuring Systems
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S 329 Nurse Testimonial Privilege
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H 743 Nurse Testimonial Privilege
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883, 903, 910, 1087.

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H 281 Technical Corrections Act
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973, 980, 993, 995, 1005,
1013, 1060, 1063, 1064, 1067.

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H 689 Conform Evidence Rule 103
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S 802 Medical Provider Insurance/Civil Justice Reform Act
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EXECUTIVE ORGANIZATION ACT OF 1973 [G.S. 143B]

H 397 2003 Budget Act
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463, 492, 493, 510, 852,
854, 862, 864, 867, 871.

S 503 Age/Eligibility/NC Schools for the Deaf
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S	486	AMBER Alert (H Ways and Means Com).....	195, 349, 361.
S	421	Amend Child Welfare Laws (S.L. 2003-304.).....	177, 349, 361, 811, 821, 823, 874.
S	837	Amend Environmental Laws - 1 (Agriculture/Environment/Natural Resources Com)	298.
S	824	Amend Environmental Laws 2003 (S.L. 2003-340.).....	296, 358, 372, 827, 837, 840, 889, 905, 906, 909, 1087.
S	890	Business Incubation Authority (Appropriations/Base Budget Com).....	306.
S	907	Certification of Wastewater Site Evaluators (Agriculture/Environment/Natural Resources Com)	308.
H	831	Coastal Recreational Fishing License (Agriculture/Environment/Natural Resources Com)	1050.
S	684	Coastal Recreational Fishing License/Fund (Agriculture/Environment/Natural Resources Com)	272, 281.
S	550	Crematory Act Changes (S.L. 2003-420.).....	236, 690, 806, 820, 1012, 1098.
H	907	Deaf/Hard of Hearing Advisory Council (S.L. 2003-343.).....	489, 498, 531, 547, 568, 604, 615, 856, 859, 877, 887, 910, 1087.
S	964	Deaf/Hard of Hearing Advisory Council (Health and Human Resources Com).....	315.
H	352	Drug Screening and Assessment (S.L. 2003-141.).....	411, 585, 600, 607, 686.
S	743	Energy Assistance Act (Commerce Com)	285.
H	932	Establishing Regional Interagency Coordinating Council (S.L. 2003-391.).....	922, 1009, 1036, 1042, 1094.
H	987	Fisheries Proclamation Process Amended (S.L. 2003-154.).....	502, 521, 526, 557, 596, 687.
S	717	Governor's Budget Bill (Appropriations/Base Budget Com).....	277.
S	908	Groundwater Protection Act (Agriculture/Environment/Natural Resources Com)	308.
S	1004	Luther Jordan Business Development Act (Finance Com)	321.
S	783	Raise Compulsory School Attendance Age (Appropriations/Base Budget Com).....	291, 417, 430.
H	355	Redesignate Indians of Person County as Sappony (S.L. 2003-87.).....	239, 531, 547, 550, 620.

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S	97	Revenue Laws Technical Changes (S.L. 2003-416.).....	81, 590, 599, 613, 971, 972, 975, 1098.
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S	536	Small Business Ombudsman Office (Commerce Com)	227, 238.
H	727	Soil and Water Conservation Commission (S.L. 2003-198.).....	440, 509, 515, 541, 628, 662, 667, 740.
H	281	Technical Corrections Act (Conf Com Appointed)	439, 625, 945, 949, 973, 980, 993, 995, 1005, 1013, 1060, 1063, 1064, 1067.
S	704	Traumatic Brain Injury Advisory Council (S.L. 2003-114.).....	275, 387, 395, 551, 559, 569, 571, 623.
S	666	Travel and Tourism Incentive Grants (Finance Com)	270.
H	1316	Travel and Tourism Investment Act (Finance Com)	879.
H	1256	Voluntary DNA Database (Health and Human Resources Com).....	954.

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S	96	"Choose Life" License Plate (Finance Com)	81, 151.
H	397	2003 Budget Act (S.L. 2003-284.).....	400, 431, 436, 446, 463, 492, 493, 510, 852, 854, 862, 864, 867, 871.
S	975	Accessible Electronic Info Act/Blind and Disabled Persons (Appropriations/Base Budget Com).....	317, 449, 467, 625.
S	945	Air Quality Permits (S.L. 2003-428.).....	313, 671, 806, 820, 931, 938, 942, 968, 975, 1099.
H	482	Alpha Kappa Alpha License Plate (S.L. 2003-10.).....	239, 335, 337, 340, 351.
S	655	Amend Locksmith Act/Criminal Checks/Fees (S.L. 2003-350.).....	258, 529, 603, 609, 631, 662, 913, 925, 933, 1088.
H	1289	Amend Private Protective Services Act/Fees (Finance Com)	878, 978.
H	328	Amend Real Estate Licensing Laws/Fees (S.L. 2003-361.).....	411, 570, 919, 983, 1006, 1034, 1042, 1090.

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S	500	Autism Awareness Special Plate (Finance Com)	209.
S	676	Banking Laws of North Carolina Revised (Finance Com)	271, 359, 524, 533, 1057.
S	793	Bear/Wild Boar Dog-Hunting License (Agriculture/Environment/Natural Resources Com)	292.
S	118	Blue Ridge Parkway Foundation Plate (Finance Com)	86.
S	530	Buffalo Soldiers Special Plate (Finance Com)	214.
H	1074	Butner Advisory Council/Nash-Rocky Mount/ Edgecombe County Schools (S.L. 2003-346.).....	734, 807, 820, 825, 828, 836, 858, 910, 1088.
S	907	Certification of Wastewater Site Evaluators (Agriculture/Environment/ Natural Resources Com).....	308.
S	927	Certify On-Site Wastewater Contractors (Agriculture/Environment/Natural Resources Com)	310.
H	1323	Coastal Area Management Act Permit Fees (Finance Com)	997.
H	831	Coastal Recreational Fishing License (Agriculture/Environment/ Natural Resources Com).....	1050.
S	684	Coastal Recreational Fishing License/Fund (Agriculture/Environment/ Natural Resources Com).....	272, 281.
H	917	Conform Mortgage Lending Laws (H Rules, Calendar, and Operations of the House Com).....	458, 1058, 1060, 1062, 1065, 1072, 1077, 1078.
H	860	Controlled Substance Detector Dog Trainers (S.L. 2003-398.).....	1032, 1041, 1043, 1051, 1096.
S	602	Controlled Substance/Physician Registration (Health and Human Resources Com).....	246.
S	813	Controller's Fee (H Finance Com)	295, 371, 380, 396, 409.
S	757	Cosmetic Art Fees Increase (Finance Com)	287.
S	575	Court Fee Changes (Finance Com)	241.
S	550	Crematory Act Changes (S.L. 2003-420.).....	236, 690, 806, 820, 1012, 1098.
S	883	Department of Agriculture and Consumer Services to Regulate Farmed Cervids (Agriculture/Environment/Natural Resources Com)	305.
S	1017	Detector Dogs Registration/Fee Requirements (Judiciary I Com).....	323.

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S	934	DWI Provider Authorization Fees (S.L. 2003-396.).....	311, 528, 541, 556, 866, 886, 901, 920, 991, 1000, 1009, 1012, 1095.
H	1028	Erosion Control Structures (S.L. 2003-427.).....	779, 818, 907, 935, 963, 1051, 1099.
S	939	Extend Telecommunication Relay Service Surcharge to Wireless Connections (S.L. 2003-341.).....	312, 603, 610, 630, 659, 909, 1087.
S	485	Friends of Appalachian Trail Plate (Finance Com)	195.
S	717	Governor's Budget Bill (Appropriations/Base Budget Com).....	277.
H	1030	Handgun Permit Fee/Retired Law Officers (S.L. 2003-379.).....	745, 944, 955, 982, 1002, 1093.
S	1018	Health Care Provider Professional Liability Insurance Changes (Select Committee on Insurance and Civil Justice Reform Com)	323.
S	919	Homicide Prevention Act/Domestic Violence (S.L. 2003-410.).....	309, 430, 451, 838, 848, 861, 885, 904, 909, 1097.
S	324	Increase Homeowners Recovery Fund Fee (S.L. 2003-372.).....	147, 170, 657, 701, 1012, 1092.
H	918	Increase Service of Process Fee (Finance Com)	1021.
S	967	Insurance Financial Amendments Omnibus (Commerce Com)	316.
H	1049	Licensed Psychological Associates/Insurance Payments (S.L. 2003-368.).....	867, 907, 915, 924, 976, 1091.
S	800	Licensing Board Changes (S.L. 2003-348.).....	293, 603, 614, 625, 913, 925, 933, 1088.
S	678	Local Government Commission Fees (Finance Com)	272.
H	1006	Manufactured Housing (S.L. 2003-400.).....	745, 841, 847, 859, 879, 898, 914, 976, 1096.
S	802	Medical Provider Insurance/Civil Justice Reform Act (Senate Passed Second & Third Readings).....	294, 1081, 1082.
S	337	NC Coastal Federation Special Plate (Finance Com)	150.

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S	688	Nonpartisan District Attorney Election (Judiciary I Com).....	273, 358, 371, 419, 443.
H	237	Nurses' Special Registration Plate (S.L. 2003-11.).....	239, 251, 252, 261, 351.
S	852	Organ Donor Organizations/Access to DMV Records (H Finance Com)	300, 669, 944, 979, 994, 1007.
S	612	POW/MIA Special Registration Plate (Finance Com)	248.
S	20	Professional Employer Organization Regulated (H Finance Com)	61, 730, 912, 924, 938.
H	1260	Raise Ceiling/Speech Pathologists/Audiologist Fees (S.L. 2003-222.).....	618, 657, 676, 691, 696, 804.
S	560	Real Estate License Laws Amended (Commerce Com)	237.
S	244	Recognize Retired Nurses/Fees (S.L. 2003-29.).....	120, 159, 219, 225, 414, 472.
S	1006	Reform Medical Board (Health and Human Resources Com).....	322.
H	1257	Respiratory Care Practice Act Amended/Fees (S.L. 2003-384.).....	838, 941, 963, 986, 1034, 1093.
S	730	Shellfish Statutes Amended (Agriculture/Environment/Natural Resources Com)	284.
S	596	Spay/Neuter Funding (Appropriations/Base Budget Com).....	245.
S	295	Special Registration Plates (S.L. 2003-68.).....	142, 170, 221, 253, 517, 523, 534, 539, 580.
S	754	Stock Car Racing Theme Special Plates (Finance Com)	287.
S	997	Support Our Troops (Finance Com)	320.
S	610	Tax Collection at Gun Shows (Finance Com)	247.
H	281	Technical Corrections Act (Conf Com Appointed)	439, 625, 945, 949, 973, 980, 993, 995, 1005, 1013, 1060, 1063, 1064, 1067.
S	354	Technical Corrections Act (Judiciary II Com).....	156.
S	847	Tenant Late Fees (S.L. 2003-370.).....	300, 386, 397, 779, 796, 827, 861, 886, 916, 940, 946, 1091.
S	615	Trauma Center Fee/Study Commission (Finance Com)	248.

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S	666	Travel and Tourism Incentive Grants (Finance Com)	270.
H	1316	Travel and Tourism Investment Act (Finance Com)	879.
S	563	Uniform Athlete Agents Act (S.L. 2003-375.).....	237, 368, 379, 394, 953, 988, 1002, 1092.
H	855	Various Special Registration Plates (S.L. 2003-424.).....	482, 834, 847, 860, 883, 952, 958, 1044, 1047, 1055, 1098.
H	1256	Voluntary DNA Database (Health and Human Resources Com).....	954.
S	116	Waive Concealed Permit Fees/Law Officers (Finance Com)	86.
S	936	Waive Deadlines for Troops (S.L. 2003-300.).....	311, 509, 514, 819, 830, 832, 874.
S	989	Water and Seafood Protection Act (Agriculture/Environment/Natural Resources Com)	319.
S	668	Wine Shippers Permits (S.L. 2003-402.).....	270, 724, 745, 760, 780, 931, 939, 967, 975, 1096.
S	220	Winery Wastewater Management (Finance Com)	106, 190, 222.

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S	470	Compensation of Trustees/Other Fiduciaries (H Judiciary IV Com)	193, 349, 361.
S	549	Uniform Principal and Income Act (S.L. 2003-232.).....	235, 393, 419, 445, 464, 700, 718, 723, 805.

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S	965	Amend Constitution/School Fines and Forfeitures (S.L. 2003-423.).....	316, 368, 382, 397, 997, 1009, 1013, 1098.
S	907	Certification of Wastewater Site Evaluators (Agriculture/Environment/Natural Resources Com)	308.
H	562	Charlotte Photo Speed Measuring Systems (S.L. 2003-280.).....	458, 554, 568, 583, 660, 678, 680, 770, 870.
S	751	Civil Penalties/Food, Drug and Cosmetics (S.L. 2003-389.).....	286, 395, 409, 424, 999, 1009, 1012, 1094.
H	173	Cosmetic Art/Continuing Education/Penalty Change (Commerce Com)	922.

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S	326	Deterring State Unemployment Tax Avoidance (SUTA Dumping) (S.L. 2003-67.).....	147, 366, 374, 393, 539, 580.
S	643	Double Penalties for Traffic Offenders (Finance Com)	257.
S	592	Engineers/Acquire Property/Raise Civil Penalty (S.L. 2003-347.).....	244, 345, 353, 363, 909, 1088.
H	609	Enhance Amusement Device Safety (S.L. 2003-170.).....	458, 590, 600, 667, 736.
H	965	Failure to Yield Causing Death or Injuries (Judiciary II Com).....	490, 498, 669, 693.
H	868	Improve Environmental Enforcement (Agriculture/Environment/Natural Resources Com)	488, 497.
S	911	Improve Environmental Enforcement (Finance Com)	308, 465, 468, 477.
H	635	Invisible Fence Systems-Signs Required (Commerce Com)	487, 496.
H	147	Left Turn on Red (Conf Com Appointed)	486, 495, 514, 516, 650, 676, 699, 767, 768, 830, 917, 926.
S	800	Licensing Board Changes (S.L. 2003-348.).....	293, 603, 614, 625, 913, 925, 933, 1088.
H	1203	Motor Fuel Marketing Act Amended (Judiciary I Com).....	504, 506.
H	357	No Credit Card Number on Receipts (S.L. 2003-206.).....	411, 593, 616, 685, 789.
S	552	Photo Speed-Measuring Systems (Finance Com)	236, 379, 407, 443, 457.
S	20	Professional Employer Organization Regulated (H Finance Com)	61, 730, 912, 924, 938.
S	556	Regulate Ticket Brokers (Finance Com)	237.
H	1257	Respiratory Care Practice Act Amended/Fees (S.L. 2003-384.).....	838, 941, 963, 986, 1034, 1093.
S	846	Solar Energy Systems (H Judiciary IV Com)	300, 402, 422, 438.
S	997	Support Our Troops (Finance Com)	320.
H	281	Technical Corrections Act (Conf Com Appointed)	439, 625, 945, 949, 973, 980, 993, 995, 1005, 1013, 1060, 1063, 1064, 1067.
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Absent of Leave.....	384, 516, 549, 666, 799, 872, 918, 932, 946, 974, 1001, 1033, 1055.
Adjournment Motion—Second.....	45, 192.
Certificate of Election.....	6.
Committee Assignments—	
Standing/Select.....	50.
Escorts—	
Dr. James H. Ammons, Chancellor of NCCU.....	114.
Oath of Office.....	8.

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Prayer Offered 72, 491.

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 H.J.R. 844 Memorializing Elmer “E.V.” Wilkins 703.

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Primary Sponsor..... 106, 203, 243, 339, 430, 431, 432, 433,
434, 435, 460, 538, 587, 588, 1006.

Co-Sponsor..... 6, 7, 22, 23, 27, 53, 56, 94, 95, 98, 116,
118, 140, 141, 142, 143, 171, 219, 227,
245, 277, 289, 337, 338, 356, 360, 397,
444, 485, 486, 508, 533, 534, 548, 551,
553, 584, 589, 596, 599, 600, 601, 611,
615, 616, 617, 618, 656, 662, 665, 667,
686, 699, 703, 732, 733, 736, 737, 738,
741, 742, 745, 746, 754, 778, 779, 780,
840, 933, 951, 952, 953, 954, 955, 957,
970, 972, 973, 976, 977, 978, 1009, 1010,
1023, 1028.

HORTON, SENATOR HAMILTON C., JR. **31st District—Forsyth** (part).

Absent of Leave 1042 (portion), 1055, 1080.

Adjournment Motion—Second..... 192.

Certificate of Election.....6.

Committee Assignments—

 Standing/Select..... 50.

Escorts—

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Oath of Office 8.

Paired Votes—

 H 397 2003 Budget Act..... 855.

Bills and Resolutions—(Senate Bills)

Primary Sponsor..... 101, 119, 120, 140, 220, 276, 315, 412,
533, 649, 650, 651, 878, 879.

Co-Sponsor..... 3, 6, 11, 18, 20, 31, 32, 44, 48, 94, 95,
117, 118, 160, 171, 225, 251, 256, 262,
293, 331, 337, 359, 388, 485, 499, 509,
512, 531, 534, 555, 568, 593, 596, 637,
638, 684, 686, 710, 712, 722, 732, 733,
754, 756, 760, 784, 840, 984, 985, 995,
1018, 1023, 1028.

HOYLE, SENATOR DAVID W...... **43rd District—Gaston** (part).

Absent of Leave 45, 88, 114 (portion), 152,
175, 230, 334, 340, 561 (portion),
576 (portion), 735, 876, 896, 908, 1070 (portion).

Adjournment Motion—Second..... 192.

Certificate of Election..... 6.

HOYLE, SENATOR DAVID W. (continued)

Committee Assignments—

Conference 493, 615, 826, 888, 959,
1010, 1011, 1050, 1062, 1063.

Standing/Select..... 50.

Escorts—

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Remarks Spread—

Second Nomination of Deputy President *Pro Tempore* 37.

S.J.R. 171 Memorializing Harlan E. Boyles..... 162.

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H.J.R. 1328 Honoring 200th Anniversary of Lutheran Church..... 965.

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324, 325, 326, 437, 464, 475, 535, 536,
556, 557, 558, 559, 567, 673, 674, 675,
676, 677, 678, 679, 680, 681, 713, 754,
799, 800, 801, 943, 944, 945, 946, 947,
948.

Co-Sponsor 7, 9, 22, 23, 33, 55, 56, 94, 95, 97, 99,
100, 118, 140, 141, 142, 143, 219, 228,
236, 250, 251, 277, 306, 307, 337, 338,
418, 508, 534, 553, 568, 596, 648, 656,
683, 685, 725, 732, 733, 759, 776, 777,
785, 840, 859, 860, 861, 913, 961, 972,
985, 1010, 1023, 1028.

HYDE COUNTY—District 1—Senator Marc Basnight**INCOMPETENCY AND GUARDIANSHIP [G.S. 35A]**

H 1123 Guardianship Amendments
(S.L. 2003-236.)..... 503, 649, 677, 723, 806.

H 36 Repeal Involuntary Sterilization
(S.L. 2003-13.)..... 231, 262, 280, 324, 384.

S 617 Repeal Involuntary Sterilization
(Health and Human Resources Com)..... 249.

H 281 Technical Corrections Act
(Conf Com Appointed) 439, 625, 945, 949,
973, 980, 993, 995, 1005,
1013, 1060, 1063, 1064, 1067.

INCORPORATION

H 790 Incorporate Cashiers
(S.L. 2003-75.)..... 357, 528, 545, 555, 563, 581.

H 232 Incorporate Mills River
(S.L. 2003-242.)..... 768, 779, 791, 808, 814, 824.

INCORPORATION (continued)

S 287 Incorporate Mills River
 (Finance Com) 141, 609.

S 76 Incorporate Misenheimer
 (S.L. 2003-268.)..... 78, 556, 587,
 597, 611, 819, 821,
 829, 835, 839, 846.

S 491 Incorporate Northbrook
 (Finance Com) 196.

H 685 Incorporate Sunset Harbor
 (S.L. 2003-317.)..... 356, 776, 792, 808,
 858, 866, 910, 919.

S 472 Incorporate Wallburg
 (Finance Com) 193.

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H 745 Indian Cultural Center Changes
 (S.L. 2003-260.)..... 412, 531, 548, 558, 587,
 615, 725, 747, 771, 845.

H 710 Occaneechi Band of Saponi/Indian Cultural Center
 (S.L. 2003-55.)..... 412, 532, 547, 550, 579.

INDIANS [G.S. 71A]

S 6 Ban Video Poker/All But Reservations
 (H Rules, Calendar, and Operations
 of the House Com)..... 55, 59, 379, 392.

H 746 Indian Recognition Amended
 (S.L. 2003-54.)..... 412, 532, 548, 550, 578.

H 355 Redesignate Indians of Person County as Sappony
 (S.L. 2003-87.)..... 239, 531, 547, 550, 620.

INDUSTRIAL AND POLLUTION CONTROL FACILITIES POOL

PROGRAM FINANCING ACT [G.S. 159D]

S 75 Life Sciences Revenue Bond Authority
 (Conf Com Appointed) 77, 678, 724, 746,
 1057, 1061, 1062, 1065.

INFORMATION TECHNOLOGY

S 135 Criminal Unauthorized Recordings
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H 1194 Establish Electronic-NC Authority
 (S.L. 2003-425.)..... 491, 499, 752, 776, 836,
 848, 860, 885, 970, 972,
 980, 1010, 1021, 1034, 1099.

H 941 Information Technology Legacy Systems Study
 (S.L. 2003-172.)..... 501, 630, 661, 667, 737.

S 961 Information Technology Research and Development Credit
 (Finance Com) 315, 338, 347.

INFORMATION TECHNOLOGY (continued)

H	1003	Information Technology Security Changes (S.L. 2003-153.).....	459, 529, 543, 557, 596, 687.
S	1005	Information Technology Start-up Incentive (Finance Com)	321.
S	623	IT Gap Analysis/"Hack Attack" (H Science and Technology Com).....	254, 373, 418, 433.
S	622	Promote E-Commerce and E-Government (S.L. 2003-233.).....	254, 366, 381, 723, 805.
S	620	Purchasing Flexibility for Schools (S.L. 2003-147.).....	249, 386, 390, 409, 424, 588, 602, 607, 687.
S	860	Simplified Business Enterprise Taxation (Rules and Operations of the Senate Com)	302.

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S	960	Repeal Antiquated Laws (Judiciary I Com)	315.
H	281	Technical Corrections Act (Conf Com Appointed)	439, 625, 945, 949, 973, 980, 993, 995, 1005, 1013, 1060, 1063, 1064, 1067.

INSPECTION AND LICENSING OF FACILITIES [G.S. 131D]

H	397	2003 Budget Act (S.L. 2003-284.).....	400, 431, 436, 446, 463, 492, 493, 510, 852, 854, 862, 864, 867, 871.
S	421	Amend Child Welfare Laws (S.L. 2003-304.).....	177, 349, 361, 811, 821, 823, 874.
S	926	Clarify Group Homes Licensure and LEA Reimbursement (S.L. 2003-294.).....	310, 388, 415, 451, 779, 796, 802, 873.
S	724	Discharge from Adult Care Homes (Health and Human Resources Com).....	283.
S	717	Governor's Budget Bill (Appropriations/Base Budget Com).....	277.
H	80	Reports to Mental Health Oversight Committee (S.L. 2003-58.).....	191, 530, 547, 549, 579.

INSURANCE [G.S. 58]

H	397	2003 Budget Act (S.L. 2003-284.).....	400, 431, 436, 446, 463, 492, 493, 510, 852, 854, 862, 864, 867, 871.
S	785	Annuity Nonforfeiture Rate Change (Commerce Com)	291.

INSURANCE [G.S. 58] (continued)

H	829	Annuity Nonforfeiture Rate Change (S.L. 2003-144.).....	441, 584, 600, 607, 686.
S	769	Beach Plan Homeowners Policy Rate Setting (S.L. 2003-158.).....	289, 416, 435, 582, 688.
S	412	Broaden Coverage/Fire and Rescue Pension (Pensions & Retirement and Aging Com)	174.
H	543	Broaden Coverage/Fire and Rescue Pension (S.L. 2003-362.).....	931, 949, 968, 975, 1090.
S	675	Code Officials Professional Qualifications (Commerce Com)	271.
S	595	Conscience Protection/Contraceptives (Commerce Com)	244.
H	253	Continuing Care Retirement/Technical Changes (S.L. 2003-193.).....	281, 584, 599, 666, 739.
S	613	Continuing Care Retirement/Technical Changes (Commerce Com)	248.
S	767	Contract Surety Bonds (Commerce Com)	289.
S	771	Credit Scoring Limitation (S.L. 2003-216.).....	289, 402, 420, 664, 679, 684, 804.
S	56	Fire and Rescue Squad Pension Increase (Pensions & Retirement and Aging Com)	74, 79.
S	660	Gross Premiums Tax Equalization (Finance Com)(Inc. S.L. 2003-284.).....	259.
S	1018	Health Care Provider Professional Liability Insurance Changes (Select Committee on Insurance and Civil Justice Reform Com).....	323.
S	782	Health Insurance Coverage/Early Intervention (Commerce Com)	291.
S	415	Health Insurance/Marriage & Family Therapists (Health and Human Resources Com).....	176.
H	462	Health Insurance/Marriage and Family Therapists (S.L. 2003-117.).....	342, 531, 567, 571, 624.
H	1066	Health Plans Disclose Fee Schedules/Coding (S.L. 2003-369.).....	502, 943, 964, 1002, 1091.
S	50	High-Risk Insurance Pool (Commerce Com)	73.
H	358	Increase Damage Limits for Motor Vehicle Accidents (S.L. 2003-137.).....	326, 559, 567, 577, 607, 686.
H	1152	Installing Motor Vehicle Parts and Air Bags (Commerce Com)	503.
H	276	Insurance Financial Amendments Omnibus (S.L. 2003-212.).....	411, 593, 616, 684, 803.
S	967	Insurance Financial Amendments Omnibus (Commerce Com)	316.

INSURANCE [G.S. 58] (continued)

H	1093	Insurance Guaranty Association Technical Amendments (S.L. 2003-167.).....	490, 499, 584, 601, 602, 617, 667, 712.
S	966	Insurance Personal Information Safeguards (S.L. 2003-262.).....	316, 343, 355, 744, 768, 770, 845.
H	270	Insurance Technical Corrections (S.L. 2003-221.).....	281, 670, 692, 696, 804.
S	614	Insurance Technical Corrections (Commerce Com)	248.
S	770	Insurers Disclose Financial Interest in Repairers (Commerce Com)	289.
H	1049	Licensed Psychological Associates/Insurance Payments (S.L. 2003-368.).....	867, 907, 915, 924, 976, 1091.
H	339	Life and Health Insurance Omnibus (Conf Com Appointed)	500, 772, 794, 862, 888.
S	603	Life and Health Insurance Omnibus (Commerce Com)	246.
S	573	Managed Care Patient Assistance (Commerce Com)	241.
H	744	Managed Care Patient Assistance (S.L. 2003-105.).....	400, 554, 568, 572, 622.
H	208	Managed Care/Health Benefits Clarifying (Rules and Operations of the Senate Com)	486, 495, 505.
S	607	Managed Care/Health Benefits Clarifying Changes (Commerce Com)	247.
S	802	Medical Provider Insurance/Civil Justice Reform Act (Senate Passed Second & Third Readings).....	294, 1081, 1082.
S	758	More Small Employer Health Insurance Available (H Insurance Com)	287, 402, 420.
S	109	Motor Vehicle Glass Repair (H Judiciary III Com)	85, 375, 392.
H	986	Motor Vehicle Insurer To Disclose Financial Interest (S.L. 2003-395.).....	490, 499, 690, 701, 777, 798, 956, 992, 1020, 1033, 1095.
S	107	Motor Vehicle Insurers-No Mandate on Nonoriginal Parts (H Judiciary III Com)	85, 375, 392.
S	108	No Comprehensive Deductible on Windshields (Commerce Com)	85.
S	887	Ovarian Cancer Tests/High Risk Women (S.L. 2003-223.).....	305, 403, 422, 664, 680, 710, 712, 804.
S	775	Prelitigation Mediation of Insurance Claims (S.L. 2003-307.).....	290, 350, 363, 664, 680, 681, 694, 774, 777, 796, 823, 874.

INSURANCE [G.S. 58] (continued)

S	20	Professional Employer Organization Regulated (H Finance Com)	61, 730, 912, 924, 938.
H	283	Property and Casualty Insurance Omnibus (S.L. 2003-290.).....	439, 564, 576, 605, 614, 743, 750, 784, 802, 872.
S	691	Property and Casualty Insurance Omnibus (Commerce Com)	273.
S	962	Require Affidavits of Bail Bondsmen (S.L. 2003-148.).....	315, 368, 382, 607, 687.
S	812	School-Related License Suspension/Auto Insurance (Commerce Com)	295.
S	755	Supplemental Insurance for Retirees (Commerce Com)	287.
H	281	Technical Corrections Act (Conf Com Appointed)	439, 625, 945, 949, 973, 980, 993, 995, 1005, 1013, 1060, 1063, 1064, 1067.
S	469	Unfair Trade Practices/Life Insurance Sales (H Insurance Com)	193, 375, 390, 407, 449.
S	388	Update Cervical Cancer Screening Coverage (S.L. 2003-186.).....	169, 431, 449, 617, 643, 647, 738.
H	1107	Utilization Review and Grievance Amendments (Commerce Com)	503.

INTEREST [G.S. 24]

S	676	Banking Laws of North Carolina Revised (Finance Com)	271, 359, 524, 533, 1057.
S	685	Conform Mortgage Lending Laws (Commerce Com)	273, 282.
H	917	Conform Mortgage Lending Laws (H Rules, Calendar, and Operations of the House Com).....	458, 1058, 1060, 1062, 1065, 1072, 1077, 1078.
H	1182	Expand Usury Exemption (S.L. 2003-401.).....	504, 629, 963, 986, 1043, 1096.
S	390	Modernize Judgment Docketing Laws (H Judiciary I Com)	169, 335, 343.
H	636	Modernize Judgment Docketing Laws (S.L. 2003-59.).....	337, 520, 533, 539, 579.

INTERPRETERS AND TRANSLITERATORS [G.S. 90D]

H	461	Interpreter Licensure Effective Date (S.L. 2003-56.).....	229, 531, 547, 550, 579.
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INVESTMENT ADVISERS [G.S. 78C]

S 925 Strengthen Security Fraud Enforcement Laws
 (S.L. 2003-413.)..... 310, 405, 422, 744,
 752, 796, 827, 861,
 887, 916, 918, 1097.

S 563 Uniform Athlete Agents Act
 (S.L. 2003-375.)..... 237, 368, 379, 394,
 953, 988, 1002, 1092.

IREDELL COUNTY—District 41—Senator R.B. Sloan, Jr.

H 516 Certain Municipalities Clear-Cutting
 (S.L. 2003-246.)..... 399, 714, 729, 823, 833.

S 172 School Calendar Flexibility/Iredell & Catawba
 (Education/Higher Education Com)..... 100.

S 381 Senatorial District 41 Local Act-1
 (Rules and Operations of the Senate Com) 168.

S 382 Senatorial District 41 Local Act-2
 (Rules and Operations of the Senate Com) 168.

S 383 Senatorial District 41 Local Act-3
 (Rules and Operations of the Senate Com) 168.

JACKSON COUNTY—District 50—Senator Robert Carpenter

H 790 Incorporate Cashiers
 (S.L. 2003-75.)..... 357, 528, 545, 555, 563, 581.

S 347 Senatorial District 50 Local Act-1
 (Rules and Operations of the Senate Com) 155.

S 348 Senatorial District 50 Local Act-2
 (Rules and Operations of the Senate Com) 155.

S 349 Town of Cashiers Local Act
 (Finance Com) 155, 235.

S 352 Town of Sylva Local Act
 (Rules and Operations of the Senate Com) 156.

JENKINS, SENATOR S. CLARK3rd District—Bertie, Edgecombe, Martin,

Pitt (part), Tyrrell, Washington.

Absent of Leave 191, 343 (portion), 384,
 480 (portion), 516, 735, 749,
 770, 788, 844, 932, 1022 (portion).

Adjournment Motion—Second..... 45, 72.

Certificate of Election.....6.

Committee Assignments—

Conference..... 916, 1050.

Standing/Select50, 869.

Escorts—

Dana Reason, Miss North Carolina 2003928.

Oath of Office8.

Remarks Spread—

H.J.R. 844 Memorializing Elmer “E.V.” Wilkins 703.

JENKINS, SENATOR S. CLARK (continued)

Bills and Resolutions—(Senate Bills)

Primary Sponsor..... 110, 111, 112, 385, 386, 387, 591, 592,
752, 753, 973, 974, 1028.
Co-Sponsor..... 3, 6, 7, 23, 33, 113, 114, 115, 118, 140,
141, 171, 227, 241, 245, 251, 277, 307,
325, 338, 388, 392, 485, 486, 508, 534,
553, 568, 593, 596, 611, 656, 662, 728,
730, 732, 733, 840, 963, 975, 976, 977,
978, 985, 1010, 1023.

JOHNSTON COUNTY—District 12—Senator Fred Smith

H 516 Certain Municipalities Clear-Cutting
(S.L. 2003-246.)..... 399, 714, 729, 823, 833.
S 168 Economic Development District
(S.L. 2003-418.)..... 99, 879, 907, 915,
924, 1021, 1037, 1042, 1098.
S 395 Pine Level Satellite Annexations
(Finance Com) 172.
S 169 Senatorial District 12 Local Act-3
(Rules and Operations of the Senate Com) 99.
S 170 Senatorial District 12 Local Act-4
(Rules and Operations of the Senate Com) 100.
S 446 Town of Clayton Local Act-1
(Rules and Operations of the Senate Com) 180.
S 447 Town of Clayton Local Act-2
(Rules and Operations of the Senate Com) 180.
S 122 Various Satellite Annexations
(S.L. 2003-30.)..... 87, 221, 251,
264, 279, 327, 439,
446, 462, 472, 494.

JOINT SESSIONS

S 1026 Joint Session First Flight/Invite Governor Easley
(Res. 17.)..... 731, 732, 736, 752.
S 366 Joint Session/State Board of Education Appointments
(Res. 12.)..... 158, 359, 370, 406,
418, 638, 640, 641.
S 138 State-of-the-State Address/Inviting Governor
(Res. 2.) 88, 112, 126.

JONES COUNTY—District 6—Senator Cecil Hargett

S 269 Senatorial District 6 Local Act-1
(Rules and Operations of the Senate Com) 125.
S 270 Senatorial District 6 Local Act-2
(Rules and Operations of the Senate Com) 125.
S 271 Senatorial District 6 Local Act-3
(Rules and Operations of the Senate Com) 125.

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- S 272 Senatorial District 6 Local Act-4
(Rules and Operations of the Senate Com)..... 125.

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- H 397 2003 Budget Act
(S.L. 2003-284.)..... 400, 431, 436, 446,
463, 492, 493, 510, 852,
854, 862, 864, 867, 871.
- S 577 Adjust Court Jurisdiction
(H Rules, Calendar, and Operations
of the House Com)..... 242, 429, 450.
- S 658 Appellate Procedure/State Banking Commission
(S.L. 2003-63.)..... 259, 349, 362, 539, 579.
- S 52 Clarify Allowance of Court Costs
(H Judiciary I Com)..... 73, 443, 464.
- S 5 Clarify Jurisdiction
(Judiciary I Com)..... 49, 59.
- H 969 Constitutional Amendment/Magistrates' Terms
(Judiciary I Com)..... 502.
- S 575 Court Fee Changes
(Finance Com)..... 241.
- S 572 District Court Judge Eight-Year Terms
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- S 23 Four-year Term Implementing
(Judiciary I Com)..... 63.
- S 717 Governor's Budget Bill
(Appropriations/Base Budget Com)..... 277.
- S 858 Help America Vote Act Compliance
(Judiciary I Com)..... 301.
- H 918 Increase Service of Process Fee
(Finance Com)..... 1021.
- S 810 Increase Use of Public Defenders
(Appropriations/Base Budget Com)..... 295.
- S 584 Judicial Appointment/Voter Retention
(Judiciary I Com)..... 243.
- S 726 Judicial Branch Independence
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- S 775 Prelitigation Mediation of Insurance Claims
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680, 681, 694, 774,
777, 796, 823, 874.
- S 753 Qualifications for Magistrates/Juvenile Custody Pilot
(S.L. 2003-381.)..... 287, 385, 396, 409, 768,
772, 949, 989, 1002, 1093.
- H 36 Repeal Involuntary Sterilization
(S.L. 2003-13.)..... 231, 262, 280, 324, 384.
- S 617 Repeal Involuntary Sterilization
(Health and Human Resources Com)..... 249.

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- S 161 Restrict Court-Ordered Arbitration
(H Judiciary IV Com) 99, 334, 343.
- H 281 Technical Corrections Act
(Conf Com Appointed) 439, 625, 945, 949,
973, 980, 993, 995, 1005,
1013, 1060, 1063, 1064, 1067.
- H 1026 Worthless Check Program/Extend Statewide
(S.L. 2003-377.) 745, 948, 979,
994, 1005, 1013, 1092.

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- H 1119 Election Law Changes
(Judiciary I Com) 485.
- H 842 Help America Vote Act Compliance
(S.L. 2003-226.) 427, 594, 608, 644, 712, 804.

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- S 421 Amend Child Welfare Laws
(S.L. 2003-304.) 177, 349, 361,
811, 821, 823, 874.
- H 394 Clarify Legal Filing Law
(S.L. 2003-337.) 336, 772, 790, 821, 902, 1076.
- H 925 County Appeals of Certain Juvenile Orders
(S.L. 2003-171.) 483, 629, 661, 667, 736.
- S 7 DNA Registry
(Judiciary I Com) 55, 59.
- H 126 Evidence in Juvenile Hearings
(S.L. 2003-62.) 180, 520, 533, 539, 579.
- H 1048 Juvenile Code Revisions/Court Improvement Project
(S.L. 2003-140.) 484, 585, 601, 608, 686.
- H 950 Juvenile Commitment to Department of Juvenile
Justice and Delinquency Prevention
(S.L. 2003-53.) 489, 498, 520,
534, 548, 550, 578.
- H 1037 Juvenile Law Amended
(S.L. 2003-297.) 502, 684, 698, 717, 813, 873.
- S 721 Post-Adoption Privileges
(H Judiciary II Com) 282, 461, 476.
- S 783 Raise Compulsory School Attendance Age
(Appropriations/Base Budget Com) 291, 417, 430.
- H 281 Technical Corrections Act
(Conf Com Appointed) 439, 625, 945, 949,
973, 980, 993, 995, 1005,
1013, 1060, 1063, 1064, 1067.

KERR, SENATOR JOHN H., III..... 7th District—Greene, Lenoir, Wayne (part).	
Absent of Leave	414 (portion), 619, 661 (portion).
Adjournment Motion—Second.....	154, 192.
Certificate of Election.....	6.
Committee Assignments—	
Conference	493, 826, 901, 959, 1010, 1011, 1062, 1063.
Standing/Select.....	50.
Escorts—	
Ted Harrison, Reading Clerk-Elect	40.
Oath of Office	6.
Remarks Spread—	
H.J.R. 59 Memorializing Booker T. Washington.....	117.
Introducing Colonel Steven Zander, Seymour Johnson Air Force Base	205.
S.J.R. 1023 Memorializing Former Senator Ed N. Warren	762.
Bills and Resolutions—(Senate Bills)	
Primary Sponsor.....	8, 99, 100, 227, 236, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 417, 501, 660, 682, 683, 704, 705, 759, 934, 935, 936, 937, 938, 939, 940.
Co-Sponsor.....	3, 7, 13, 22, 23, 32, 33, 56, 97, 118, 140, 141, 171, 219, 225, 228, 250, 307, 325, 337, 388, 392, 418, 485, 486, 508, 553, 567, 568, 584, 596, 648, 662, 685, 696, 697, 701, 702, 703, 722, 732, 733, 777, 787, 840, 956, 973, 984, 985, 1023, 1028.
KINNAIRD, SENATOR ELEANOR..... 23rd District—Chatham, Orange.	
Absent of Leave	72, 148, 191, 549, 619, 646, 666, 844, 851, 1080, 1081.
Adjournment Motion	137.
Adjournment Motion—Second.....	98, 240.
Certificate of Election.....	6.
Committee Assignments—	
Conference	615, 917.
Standing/Select.....	50.
Oath of Office	8.
Paired Votes—	
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H	344	Formula Cost-Effective Vehicles Replacement (S.L. 2003-177.).....	425, 595, 616, 619, 737.
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H	864	Guaranteed Energy Savings Contract Efficiency (S.L. 2003-138.).....	454, 584, 600, 607, 686.
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H	684	Psychiatric Hospital Financing (S.L. 2003-314.).....	744, 780, 794, 797, 810, 865, 919.
S	620	Purchasing Flexibility for Schools (S.L. 2003-147.).....	249, 386, 390, 409, 424, 588, 602, 607, 687.
S	988	Raise Cigarette Tax (Finance Com)	319.
S	762	Regional Public Transportation Liability (Judiciary I Com)	288.
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S	840	North Carolina's Official International Festival (S.L. 2003-315.).....	299, 461, 478, 617, 630, 659, 672, 732, 742, 850, 855, 857, 866, 870, 919.

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H	273	Adverse Reactions to Smallpox Vaccination (S.L. 2003-169.).....	399, 572, 600, 666, 736.
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S	889	Wind Energy Study (H Judiciary IV Com).....	306.

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H	394	Clarify Legal Filing Law (S.L. 2003-337.).....	336, 772, 790, 821, 902, 1076.
S	32	Motorcycle Awareness Month (Rules and Operations of the Senate Com).....	68.

SURRY COUNTY—District 30—Senator John Garwood

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S 103 Senatorial District 30 Local Act-2
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S 104 Senatorial District 30 Local Act-3
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S 105 Senatorial District 30 Local Act-4
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S 102 Surry Sheriff Vacancy
(S.L. 2003-39.)..... 85, 364, 406, 417, 526, 540.

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H 281 Technical Corrections Act
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- H 397 2003 Budget Act
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- S 648 Cervical Cancer Elimination Task Force
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- S 834 Food Safety and Security Funds
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- S 941 Medical Malpractice Insurance Task Force
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- S 524 Aggregates and Asphalt Tax Uniformity
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- S 6 Ban Video Poker/All But Reservations
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S	928	Deduction for Net Capital Gains (Finance Com)	310.
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S	944	Economic Incentives/Committee Changes (H Finance Com)	313, 1017, 1035.
S	970	Establish Electronics Recycling Program (Finance Com)	316.
S	277	Exempt Higher Education Property (H Finance Com)	136, 541, 556.
S	664	Exempt Property - Exempt Construction (H Finance Com)	260, 665, 676.
S	674	Graduated Corporate Income Tax (Finance Com)	271.
S	660	Gross Premiums Tax Equalization (Finance Com)(Inc. S.L. 2003-284.).....	259.
S	908	Groundwater Protection Act (Agriculture/Environment/Natural Resources Com)	308.
H	21	Highway Trust Fund Match/Continuing Budget Authority (Finance Com) (Inc. S.L. 2003-284.).....	263, 528, 787, 788, 793, 810, 819, 826.
S	119	Historic Preservation Tax Credit Expanded (S.L. 2003-415.).....	87, 520, 664, 676, 838, 848, 860, 885, 904, 909, 1097.
S	665	Increase Alcohol Tax/Fund Substance Abuse Services (Finance Com)	270.
S	961	Information Technology Research and Development Credit (Finance Com)	315, 338, 347.
S	1005	Information Technology Start-up Incentive (Finance Com)	321.
S	250	Internal Revenue Code Update (Finance Com)	121.
H	320	Internal Revenue Code Update (S.L. 2003-25.).....	231, 345, 353, 361, 365, 429.
S	725	Local Option Project Development Financing (S.L. 2003-403.).....	283, 573, 599, 613, 1021, 1037, 1042, 1096.
S	727	Low-Income Housing Property Tax (Finance Com)	283.
S	862	Low-Income Housing Property Tax (Finance Com)	302.
S	1004	Luther Jordan Business Development Act (Finance Com)	321.

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H	1303	Nonprofits Exempt From Admissions Tax (Cal Pursuant Rule 36(b)).....	879, 1017, 1035, 1043.
S	235	One-Time Rental Car Tax Election Exception (S.L. 2003-5.).....	119, 138, 153, 167, 209, 239.
S	950	Open Spaces Preservation Incentives (Finance Com)	314.
S	719	Phase Down Income Tax Rates (Finance Com)	282.
S	578	Promote Downtown Revitalization (Finance Com)	242.
H	972	Property Tax Certification Procedure (S.L. 2003-399.).....	483, 963, 983, 1042, 1096.
S	450	Property Tax Correction (S.L. 2003-250.).....	183, 345, 353, 735, 844.
S	499	Property Tax Homestead Exclusion (Finance Com)	209.
S	663	Property Tax on Yachts (Finance Com)	260.
H	1294	Qualified Business Credit/Ports Credit (S.L. 2003-414.).....	745, 834, 848, 860, 877, 904, 1003, 1097.
S	988	Raise Cigarette Tax (Finance Com)	319.
S	915	Raise Cigarette Tax for Medicaid (Finance Com)	309.
S	917	Raise Cigarette/Alcohol Tax for Medicaid (Finance Com)	309.
S	556	Regulate Ticket Brokers (Finance Com)	237.
S	236	Revenue Administrative Changes (S.L. 2003-349.).....	119, 602, 613, 625, 912, 925, 933, 1088.
S	97	Revenue Laws Technical Changes (S.L. 2003-416.).....	81, 590, 599, 613, 971, 972, 975, 1098.
S	576	Sales Tax Exemption for Schools (Finance Com)	241.
S	711	Sales Tax Exemption for Schools (Finance Com)	276.
S	268	School District Purchases Exempt (Finance Com)	125.
S	906	Small Business Capital Gains Exclusion (Finance Com)	308.

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S	100	State Government Sales Tax Exempt/ School Board Cooperatives Refund (S.L. 2003-431.).....	82, 219, 224, 971, 988, 1001, 1100.
S	829	Stormwater Compliance (Agriculture/Environment/Natural Resources Com)	297.
S	99	Streamlined Sales Tax Changes (Finance Com)(Inc. S.L. 2003-284.).....	82.
S	997	Support Our Troops (Finance Com)	320.
H	1292	Target Incentives to Truly Distressed Areas (Finance Com)	997.
S	266	Teacher Tax Credit (Finance Com)	125.
H	281	Technical Corrections Act (Conf Com Appointed)	439, 625, 945, 949, 973, 980, 993, 995, 1005, 1013, 1060, 1063, 1064, 1067.
S	666	Travel and Tourism Incentive Grants (Finance Com)	270.
H	1316	Travel and Tourism Investment Act (Finance Com)	879.
S	228	Uniform Tax Refund Procedure (Finance Com)	107.
S	418	Update Corporate Tax Apportionment Formula (Finance Com)	176.
S	671	Use Value Ownership Requirements (Finance Com)	271.
S	980	Voluntary Stormwater Expenses Credit (Finance Com)	318.
S	936	Waive Deadlines for Troops (S.L. 2003-300.).....	311, 509, 514, 819, 830, 832, 874.
S	871	Waive One-Third Military Base Gas Tax (Finance Com)	303, 333.
S	884	Wildlife Conservation - Present-Use Value (Finance Com)	305.
S	668	Wine Shippers Permits (S.L. 2003-402.).....	270, 724, 745, 760, 780, 931, 939, 967, 975, 1096.
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S	993	An Act to Safeguard Children (S.L. 2003-408.).....	320, 403, 438, 469, 473, 913, 926, 933, 1097.
S	737	Calendar Must Let Teachers Take Earned Leave (H Education Com).....	285, 416, 435.
S	749	Flexibility in Use of Substitute Teacher Funds (Education/Higher Education Com).....	286.
S	717	Governor's Budget Bill (Appropriations/Base Budget Com).....	277.
S	696	Initiatives to Address Teacher Shortages (Rules and Operations of the Senate Com).....	274.
H	1136	Job Sharing Permitted for Media Coordinators (Education/Higher Education Com).....	485.
S	10	Modify Retired Educator Option (Pensions & Retirement and Aging Com)	58, 59, 341.
S	781	No Penalty for Teachers Taking Personal Leave (Education/Higher Education Com).....	291.
S	931	No Portfolio Required/Teacher Certification (Rules and Operations of the Senate Com).....	311, 459, 478, 569, 590, 595, 689.
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S	554	Quality Teachers = Quality Education (Rules and Operations of the Senate Com).....	236.
S	621	Quality Teachers = Quality Education (Rules and Operations of the Senate Com).....	249.
S	686	Retired Educators Return to Work (Education/Higher Education Com).....	273.
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S	728	Teacher Education Enrollment Funds (Education/Higher Education Com).....	283.
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S	710	Teacher Recruitment Incentives/Local Funds (Education/Higher Education Com).....	276.
S	266	Teacher Tax Credit (Finance Com)	125.
H	421	Veterans Day a Holiday for School Staff (S.L. 2003-131.).....	342, 564, 576, 582, 668.

TELECOMMUNICATIONS

- S 975 Accessible Electronic Info Act/Blind and Disabled Persons
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- S 814 Clarify Competitive Telecommunications Statutes
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479, 532, 548, 549, 621.
- H 1194 Establish Electronic-NC Authority
(S.L. 2003-425.)..... 491, 499, 752, 776, 836,
848, 860, 885, 970, 972,
980, 1010, 1021, 1034, 1099.
- S 939 Extend Telecommunication Relay Service
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630, 659, 909, 1087.
- S 801 Investigate Certain Telecommunications Activities
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- S 991 Consumer's Right to Know and Act
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- S 353 Charitable Solicitations/Require Disclosure
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- S 799 Telephone Solicitations/Consent to Charge
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- S 900 Telephone Solicitations/Increase Penalties
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- H 916 First Responders Vaccination Program
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- H 1043 Health Provider Immunity/Terrorist Incidents
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Civil Justice Reform Com) 502.
- S 692 Terror Response Plans
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THOMAS, SENATOR SCOTT **2nd District**—Carteret, **Craven**, Pamlico.

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Committee Assignments—

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Committee Assignments—

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H	13	Transylvania Hunting (S.L. 2003-119.).....	425, 594, 611, 619, 638.

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H	637	Amend Powers/Settlor of Revocable Trust (S.L. 2003-225.).....	342, 629, 661, 712, 804.
S	468	Clarify Irrevocable Trust Law (S.L. 2003-93.).....	193, 393, 408, 561, 621.
S	470	Compensation of Trustees/Other Fiduciaries (H Judiciary IV Com).....	193, 349, 361.
H	656	Trust Administration Act Amended (S.L. 2003-261.).....	487, 496, 629, 661, 677, 770, 845.
S	549	Uniform Principal and Income Act (S.L. 2003-232.).....	235, 393, 419, 445, 464, 700, 718, 723, 805.

TUITION WAIVERS [G.S. 115B]

S	424	Tuition Waiver Correction (S.L. 2003-230.).....	177, 368, 380, 699, 718, 722, 805.
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TYRRELL COUNTY—District 3—Senator S. Clark Jenkins

S	110	Senatorial District 3 Local Act-1 (Rules and Operations of the Senate Com).....	86.
S	111	Senatorial District 3 Local Act-2 (Rules and Operations of the Senate Com).....	86.
S	112	Senatorial District 3 Local Act-3 (Rules and Operations of the Senate Com).....	86.

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UNIFORM PRINCIPAL AND INCOME ACT [G.S. 37A]

S 549 Uniform Principal and Income Act
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UNION COUNTY—District 35—Senator Fern Shubert

S 478 Durham/Monroe Overgrown Vegetation Ordinance
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H 705 Matthews/Waxhaw Annexation
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S 452 Union County Satellite Annexations
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S 174 Nomination and Election Board of Governors
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S 983 Raise Out-of-State Tuition
 (Education/Higher Education Com)..... 318.

S 1000 School of Engineering-Fayetteville State University
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S	706	University Athletic Facilities Exemption (S.L. 2003-239.).....	276, 369, 381, 700, 719, 723, 824.
S	705	University of North Carolina-Nonappropriated Capital Projects (S.L. 2003-360.).....	276, 657, 675, 691, 953, 989, 990, 1002, 1090.
S	729	University of North Carolina Flexible Benefits Clarification (Select Committee on Employee Hospital and Medical Benefits Com).....	283.
S	720	University of North Carolina Laws Amended (Education/Higher Education Com).....	282.
S	855	University of North Carolina Laws Amended (H Finance Com)	301.
S	869	University of North Carolina Ownership of Certain Properties Restricted (Education/Higher Education Com).....	303.
H	975	University of North Carolina Purchasing Flexibility (S.L. 2003-228.).....	483, 656, 672, 701, 712, 805.
S	644	University of North Carolina System/No Remedial Education (Education/Higher Education Com).....	257.
S	880	University of North Carolina/Add Nonsmoking Areas (Health and Human Resources Com).....	304.
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S	322	Interconnection of Public Water System (Agriculture/Environment/Natural Resources Com)	146.
S	801	Investigate Certain Telecommunications Activities (H Public Utilities Com).....	293, 416, 435.
H	1062	Local Water Supply Plans (S.L. 2003-387.).....	441, 697, 713, 722, 752, 818, 829, 878, 916, 927, 940, 952, 976, 1094.
S	338	Remove Sunset/Municipal Electric Service (S.L. 2003-24.).....	151, 216, 225, 351, 429.
H	356	Remove Sunset/Municipal Electric Service (Commerce Com)	229.

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S	85	Senatorial District 11 Local Act-3 (Rules and Operations of the Senate Com).....	78.
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S	358	Senatorial District 11 Local Act-5 (Rules and Operations of the Senate Com).....	157.
S	431	Senatorial District 4 Local Act-2 (Education/Higher Education Com).....	178, 364.
S	432	Senatorial District 4 Local Act-3 (Rules and Operations of the Senate Com).....	178.
S	433	Senatorial District 4 Local Act-4 (Health and Human Resources Com).....	178, 364.

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H	397	2003 Budget Act (S.L. 2003-284.).....	400, 431, 436, 446, 463, 492, 493, 510, 852, 854, 862, 864, 867, 871.
S	903	Department of Veterans Affairs (Appropriations/Base Budget Com).....	307, 329, 346.

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H	917	Conform Mortgage Lending Laws (H Rules, Calendar, and Operations of the House Com).....	458, 1058, 1060, 1062, 1065, 1072, 1077, 1078.
S	931	No Portfolio Required/Teacher Certification (Rules and Operations of the Senate Com).....	311, 459, 478, 569, 590, 595, 689.
S	1030	Reconvened Session Adjourned (Res. 32.).....	1078, 1079.

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S	6	Ban Video Poker/All But Reservations (H Rules, Calendar, and Operations of the House Com).....	55, 59, 379, 392.
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H	842	Help America Vote Act Compliance (S.L. 2003-226.).....	427, 594, 608, 644, 712, 804.
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S	745	Same Day Registration (Judiciary I Com).....	286.

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S	814	Clarify Competitive Telecommunications Statutes.....	464.
S	676	Revise the Banking Laws of North Carolina.....	533.
H	994	Public Works Exemption.....	795.
H	1170	Enhance Local Retirement Benefits.....	930.
H	1182	Expand the Usury Exemption.....	986.
H	471	CDL Changes/Study Moped Tag Identification.....	993.

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S	33	Concealed Handgun Reciprocity.....	189.
H	397	2003 Budget Act.....	855.
H	1294	Qualified Business Credit/Ports Credit.....	904.
S	802	Med. Provider Ins./Civil Justice Reform Act.....	1082.

WAKE COUNTY—District 14—Senator Vernon Malone

District 15—Senator John Carrington

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District 17—Senator Richard Stevens

S	181	Apex Quicktake Roads/Historic Structures (S.L. 2003-88.).....	102, 330, 367, 378, 608, 620.
S	495	Cary Condemnations (H Finance Com).....	197, 367, 378.
H	755	Cary/Garner Condemnations (S.L. 2003-74.).....	488, 496, 528, 544, 555, 563, 581.
S	372	City of Raleigh Local Act-1 (Rules and Operations of the Senate Com).....	167.
S	373	City of Raleigh Local Act-2 (Rules and Operations of the Senate Com).....	167.
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