

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**2003 GENERAL ASSEMBLY**  
**OF THE**  
**STATE OF NORTH CAROLINA**  
  
**SECOND SESSION**  
  
**2004**

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**OFFICERS AND MEMBERS**  
**OF**  
**THE SENATE OF THE NORTH CAROLINA**  
**GENERAL ASSEMBLY**  
**2003 SESSION**  
**SECOND SESSION 2004**

BEVERLY E. PERDUE, President ..... New Bern  
 MARC BASNIGHT, President *Pro Tempore* ..... Manteo  
 CHARLIE S. DANNELLY, Deputy President *Pro Tempore* .....Charlotte  
 JANET B. PRUITT, Principal Clerk ..... Raleigh  
 TED HARRISON, Reading Clerk ..... Cary  
 CECIL GOINS, Sergeant-at-Arms ..... Raleigh

DISTRICT	NAME OF SENATOR	CITY OF RESIDENCE
1	MARC BASNIGHT (D).....	Manteo
2	SCOTT THOMAS (D).....	New Bern
3	S. CLARK JENKINS (D).....	Tarboro
4	ROBERT L. HOLLOMAN (D).....	Ahoskie
5	TONY P. MOORE (R) (Party Switch 11/24/03).....	Winterville
6	CECIL HARGETT (D).....	Richlands
7	JOHN H. KERR III (D).....	Goldsboro
8	R. C. SOLES, JR. (D).....	Tabor City
9	HAYWOOD E. "WOODY" WHITE (R) (Appointed 5-5-04)...	Wilmington
	PATRICK J. BALLANTINE (R) (Resigned 4-19-04).....	Wilmington
10	CHARLES W. ALBERTSON (D).....	Beulaville
11	A. B. SWINDELL IV (D).....	Nashville
12	FRED SMITH (R).....	Clayton
13	DAVID F. WEINSTEIN (D).....	Lumberton
14	VERNON MALONE (D).....	Raleigh
15	JOHN H. CARRINGTON (R).....	Raleigh
16	ERIC M. REEVES (D).....	Raleigh
17	RICHARD Y. STEVENS (R).....	Cary
18	RALPH A. HUNT (D) (Appointed 4-21-04).....	Durham
	WIB GULLEY (D) (Resigned 3-19-04).....	Durham
19	TONY RAND (D).....	Fayetteville

20 JEANNE H. LUCAS (D).....Durham  
21 LARRY SHAW (D).....Fayetteville  
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  
30 JOHN A. GARWOOD (R).....North Wilkesboro  
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  
37 DANIEL G. CLODFELTER (D).....Charlotte  
38 CHARLIE S. DANNELLY (D).....Charlotte  
39 ROBERT A. RUCHO (R).....Matthews  
40 ROBERT PITTENGER (R).....Charlotte  
41 R. B. SLOAN, JR. (R)..... Mooresville  
42 JAMES FORRESTER (R).....Stanley  
43 DAVID W. HOYLE (D).....Dallas  
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 MARTIN L. NESBITT, JR. (D) (Appointed 2-6-04).....Asheville  
STEVE METCALF (D) (Resigned 2-2-04).....Weaverville  
50 ROBERT C. CARPENTER (R).....Franklin

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# SENATE JOURNAL

## SECOND SESSION

2004

### ONE HUNDRED SIXTH DAY

Senate Chamber  
Monday, May 10, 2004

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 short legislative session begins and offers a familiarity that is quite different from the ordered chaos of opening day of the longer session.

"The sound of Lieutenant Governor Perdue's gavel and her voice are familiar, the seat at which we find Senator Basnight and listen to his words are familiar, the 'order of worship,' if you will, and rules of engagement are familiar.

"Within this community the Senators have become colleagues, neighbors, even friends, though their ideas about how to do the business of the State may differ greatly.

"We pray that this resonance of familiarity may act as a seedbed for the personal and corporate risk-taking that is so necessary to achieve greatness.

"May the fresh wind of Your spirit guide these men and women every day so that You are a familiar presence with them also. Amen."

### PLEDGE OF ALLEGIANCE

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

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

Senator Basnight, *President Pro Tempore*, announces that the Journal of Tuesday, September 16, 2003, 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 Tarboro, North Carolina, who is serving the Senate as Doctor of the Day, and to Pet Pruden from Wilson, North Carolina, who is serving the Senate as Nurse of the Day.*

### SEATING OF THE HONORABLE MARTIN L. NESBITT

The President recognizes Senator Basnight, *President Pro Tempore*, who announces that the Honorable Martin L. Nesbitt awaits at the door to enter the

Chamber to take his seat as a member of the Senate. Senator Basnight appoints Senator Queen, Senator Carpenter, Senator Dannelly and Senator Garrou as the Committee to escort Senator Martin L. Nesbitt to the Well of the Senate.

The President instructs the Reading Clerk to read the Proclamation from the Governor appointing Senator Martin L. Nesbitt, as follows:

THE APPOINTMENT OF MARTIN L. NESBITT

2003-2004

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

A PROCLAMATION

WHEREAS, the Honorable Stephen M. Metcalf, elected Senator from the Forty-Ninth District 2003-2004 General Assembly, has resigned; and

WHEREAS, the provisions of General Statute § 163-11 require that the vacancy created by the resignation of the Honorable Stephen M. Metcalf be filled by appointment of the person recommended by the Buncombe County Democratic Executive Committee representative of the 49<sup>th</sup> Senate District.

WHEREAS, the 49<sup>th</sup> Senate District Executive Committee of the Democratic Party has notified me of its recommendation of MARTIN L. NESBITT of Buncombe County, North Carolina, to fill the said vacancy,

I do by these presents appoint

MARTIN L. NESBITT

as a member of the

SENATE

2003-2004 General Assembly

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State at the Capitol in the City of Raleigh, this 6<sup>th</sup> day of February, 2004.

S/Michael F. Easley  
Governor

ATTEST:  
S/Elaine F. Marshall  
Secretary of State

May 10, 2004

(Senator Nesbitt was administered the oath of office on February 21, 2004, by The Honorable Gary Cash, Chief Judge, Judicial District 28.)

Senator Nesbitt is escorted to Seat No. 7.

#### **SEATING OF THE HONORABLE RALPH A. HUNT**

The President recognizes Senator Basnight, President *Pro Tempore*, who announces that The Honorable Ralph A. Hunt awaits at the door to enter the Chamber to take his seat as a member of the Senate. Senator Basnight appoints Senator Lucas, Senator Kerr and Senator Swindell as the Committee to escort Senator Ralph A. Hunt to the Well of the Senate.

The President instructs the Reading Clerk to read the Proclamation from the Governor appointing Senator Ralph A. Hunt, as follows:

#### **THE APPOINTMENT OF RALPH A. HUNT**

2003-2004

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

#### **A PROCLAMATION**

WHEREAS, the Honorable Wilbur P. Gulley, elected Senator from the 18th Senatorial District 2003-2004 General Assembly, has resigned; and

WHEREAS, the provisions of General Statute § 163-11 require that the vacancy created by the resignation of the Honorable Wilbur P. Gulley be filled by appointment of the person recommended by the State Senate District Executive Committee for the 18<sup>th</sup> Senatorial District.

WHEREAS, the 18<sup>th</sup> Senatorial District Executive Committee of the North Carolina Democratic Party has notified me of its recommendation of RALPH A. HUNT of Durham County, North Carolina, to fill the said vacancy,

I do by these presents appoint

**RALPH A. HUNT**

as a member of the

**SENATE**

2003-2004 General Assembly

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State at the Capitol in the City of Raleigh, this 21st day of April, 2004.

May 10, 2004

S/ Michael F. Easley  
Governor

ATTEST:  
S/ Elaine F. Marshall  
Secretary of State

(Senator Hunt was administered the oath of office on April 29, 2004, by The Honorable A. Leon Stanback, Jr., Resident Superior Court Judge, Judicial District 14.)

Senator Hunt is escorted to Seat No. 12.

#### **SEATING OF THE HONORABLE WOODY WHITE**

The President recognizes Senator Basnight, President *Pro Tempore*, who announces that The Honorable Woody White awaits at the door to enter the Chamber to take his seat as a member of the Senate. Senator Basnight appoints Senator Forrester, Senator Apodaca and Senator Horton as the Committee to escort Senator Woody White to the Well of the Senate.

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

#### **THE APPOINTMENT OF WOODY WHITE**

2003-2004

**BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA**

#### **A PROCLAMATION**

WHEREAS, the Honorable Patrick Ballantine, elected Senator from the Ninth Senatorial District 2003-2004 General Assembly, has resigned; and

WHEREAS, the provisions of General Statute § 163-11 require that the vacancy created by the resignation of the Honorable Patrick Ballantine be filled by appointment of the person recommended by the New Hanover County Republican Party, Ninth Senatorial District Executive Committee.

WHEREAS, the Ninth District Senatorial Executive Committee of the North Carolina Republican Party has notified me of its recommendation of WOODY WHITE of 6108 Old Branch Road, Wilmington, North Carolina, to fill the said vacancy,

May 10, 2004



I do by these presents appoint

WOODY WHITE

as a member of the

SENATE

2003-2004 General Assembly

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State at the Capitol in the City of Raleigh, this 5th day of May, 2004.

S/Michael F. Easley  
Governor

ATTEST:  
S/Elaine F. Marshall  
Secretary of State

(Senator White was administered the oath of office on May 7, 2004, by The Honorable John J. Carroll III, Chief District Court Judge, Judicial District 5.)

Senator White is escorted to Seat No. 39.

#### **INTRODUCTION OF A JOINT RESOLUTION**

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

By Senator Queen:

**S.J.R. 1032**, A JOINT RESOLUTION HONORING THE MEMORY OF MAGGIE SETZER PYLANT FOR WHOM THE TOWN OF MAGGIE VALLEY IS NAMED UPON THE TOWN'S CENTENNIAL OBSERVANCE.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on today's Calendar. Upon motion of Senator Rand, the joint resolution is read in its entirety.

The joint resolution passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

House of Representatives  
May 10, 2004

May 10, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to a Proclamation issued by Governor Michael F. Easley on February 16, 2004, Fred F. Steen, II, has been administered the oath of office as a Member of the House of Representatives for the remainder of the 2004 General Assembly. Representative Steen has been seated to fill the vacancy created by the death of the Honorable W. Eugene McCombs of the Seventy-Sixth House District.

Pursuant to a Proclamation issued by Governor Michael F. Easley on February 25, 2004, Susan C. Fisher has been administered the oath of office as a Member of the House of Representatives for the remainder of the 2004 General Assembly. Representative Fisher has been seated to fill the vacancy created by the resignation of the Honorable Martin L. Nesbitt of the One Hundred Fourteenth House District.

Respectfully,  
S/Denise Weeks  
Principal Clerk

#### COMMITTEE APPOINTMENTS

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

Senator Hunt is appointed to the following committees: **Agriculture/Environment/Natural Resources, Appropriations/Base Budget, Appropriations on Department of Transportation, Education/Higher Education, Finance, Information Technology, Judiciary I, Pensions & Retirement and Aging, Rules and Operations of the Senate, Select Committee on Insurance and Civil Justice Reform and Transportation.**

Senator Nesbitt is appointed to the following committees: **Appropriations/Base Budget, Appropriations on Education/Higher Education, Commerce, Education/Higher Education, Health and Human Resources, Judiciary I, Pensions & Retirement and Aging, and the Rules and Operations of the Senate.**

Senator White is appointed to the following committees: **Commerce, Finance, Judiciary I, Select Committee on Military Affairs and Ways & Means.**

Senator Swindell is appointed as Co-Chair of the **Appropriations on Education/Higher Education and Education/Higher Education Committees.**

#### INTRODUCTION OF A BILL

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

May 10, 2004

By Senator Rand:

**S.B. 1042**, A BILL TO BE ENTITLED AN ACT TO ALLOW A SUPERIOR COURT JUDGE OR A DISTRICT COURT JUDGE TO PERFORM MARRIAGE CEREMONIES.

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

The bill passes its second (45-4) and third readings and is ordered sent to the House of Representatives by special message.

### **PRIVILEGES OF THE FLOOR**

The President extends privileges of the floor to The Honorable Aaron W. Plyler, former Senator from Union County; The Honorable John T. Henley, former Senator from Cumberland County; and The Honorable Brad Miller, Congressman from the 13th Congressional District.

### **SENATE PAGES**

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

Chelsea Thomas-Sturdivant Bollinger, Shallotte; Hallas Hunter Boyd III, Belhaven; Darin B. Gouge, Old Fort; Kimberly Hayes, Marble; Mikhail O. Holland, Chapel Hill; Kathryn Antonia Kehayes, Washington; Rachel Leigh Leggett, Raleigh; Christopher Mathew, Fayetteville; Jacqueline McAdams, Burlington; Nathan Perry, Shelby; Emma Anne Schuman, Marion; Frederick Slott, Burlington; Kyle Brent Smithwick, Belhaven; English Steele Tsumas, Troutman; Matthew Tyndall, Hope Mills; and Kenneth Watson, Jr., Charlotte.

Upon motion of Senator Basnight, seconded by Senator Weinstein, the Senate adjourns at 1:07 P.M. to meet tomorrow, Tuesday, May 11, at 3:00 P.M.

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### **ONE HUNDRED SEVENTH DAY**

Senate Chamber  
Tuesday, May 11, 2004

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, 'name calling' has taken on a pejorative meaning in our society, when instead it should be a verbal form relating highest personal regard.

May 11, 2004

"Yesterday in the Senate, 'name calling' was exercised properly when Senators Ralph Hunt, Martin Nesbitt and Woody White were called by name and welcomed to this community.

"The prophet Isaiah reminds us that You, O God, have said to each of us, 'You are mine, I have called you by name.'

"So the next time we are about to engage in name calling, help us to remember the holy origin of such a practice. And do it like yesterday, with the regard and esteem for which it was intended. For Your sake we pray, Amen."

The Chair grants leaves of absence for today to Senator Carrington and Senator Nesbitt.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, May 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. John K. Williford, Jr. from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Sandra Wilder from Lewisville, North Carolina, who is serving the Senate as Nurse of the Day.*

#### COMMITTEE APPOINTMENTS

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

Senator Dorsett is appointed as Chair of the **Appropriations Subcommittee on General Government**.

Senator Hunt is removed from the **Appropriations Subcommittee on Transportation** and appointed to the **Appropriations Subcommittee on General Government**.

Senator Kinnaird is removed from the **Appropriations Subcommittee on Justice and Public Safety** and appointed Vice-Chair of the **Appropriations Subcommittee on General Government**.

Senator Hoyle is removed from the **Appropriations Subcommittee on Education/Higher** and appointed to the **Appropriations Subcommittee on General Government** and the **Education/Higher Education Committee**.

Senator Rand is appointed to the **Education/Higher Education Committee**.

Senator Dannelly is appointed to the **Judiciary II Committee**.

Senator Reeves is appointed to the **Judiciary II Committee**.

Senator Swindell is removed from the **Appropriations Subcommittee on General Government** and appointed to the **Judiciary II Committee**.

Senator White is appointed to the **Appropriations Subcommittee on Natural and Economic Resources** and the **Appropriations/Base Budget Committee**.

Senator Jenkins is appointed as Chair of the **Appropriations Subcommittee on Transportation** and to the **Transportation Committee**.

May 11, 2004

Senator Soles is removed from the **Appropriations Subcommittee on Justice and Public Safety** and appointed as Vice-Chair of the **Appropriations Subcommittee on Transportation**.

#### **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

May 10, 2004

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

Madame President:

Republican Senators met in Caucus May 10, 2004, and elected the following new officers to the 2004 Short Session of the General Assembly. The following officers were elected at that meeting.

Republican Leader - James S. Forrester  
Deputy Republican Leader - Tom Apodaca

Senator Fern Shubert remains Republican Whip and a new Deputy Republican Whip will be elected at a later date.

Respectfully,  
S/James S. Forrester  
Senate Minority Leader

#### **APPOINTMENT BY THE GOVERNOR**

**State of North Carolina**  
**Office of the Governor**  
**20301 Mail Service Center Raleigh, NC 27699-0301**

April 12, 2004

May 11, 2004

MICHAEL F. EASLEY  
GOVERNOR

The Honorable Beverly Perdue  
Lieutenant Governor  
2104 Legislative Building  
Raleigh, NC 27601

Dear Lt. Governor Perdue:

Pursuant to General Statute 135-6, I hereby appoint Mr. Harold Keen and reappoint Mr. Leslie LeRoy Pittman and Mr. Paschal W. Swann 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 Mr. Keen, Mr. Pittman and Mr. Swann will expire March 31, 2008.

Enclosed is biographical information on these appointees. Please feel free to call on them or members of my office of Boards and Commissions if you need additional information.

With kindest regards, I remain.

Very truly yours,  
S/Mike Easley

cc: Ms. Janet Pruitt  
Ms. Denise Weeks

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

#### **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 Carpenter:

**S.B. 1031**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE FORMULA FOR ALLOCATING SMALL SCHOOL SYSTEM SUPPLEMENTAL FUNDING.

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

By Senator Carpenter:

**S.B. 1033**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT TRANSYLVANIA COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE FOR USE AS CORRECTIONAL FACILITIES.

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

May 11, 2004

By Senator Carpenter:

**S.B. 1034**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE LAKE TOXAWAY PROPERTY OWNERS' ASSOCIATION IN TRANSYLVANIA COUNTY.

Referred to the **Judiciary I Committee**.

By Senator Apodaca:

**S.B. 1035**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE SOUTHERN APPALACHIAN SCIENCE & TECHNOLOGY CENTER (SASTC) LOCATED IN POLK COUNTY.

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

By Senator Moore:

**S.B. 1036**, A BILL TO BE ENTITLED AN ACT TO RATIFY THE BOUNDARIES OF THE TOWN OF GRIMESLAND BASED ON A NEW SURVEY ALONG THE EXISTING COMMONLY RECOGNIZED BOUNDARY.

Referred to the **Finance Committee**.

By Senator Moore:

**S.B. 1037**, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF GREENVILLE.

Referred to the **Commerce Committee**.

By Senator Moore:

**S.B. 1038**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE PUBLIC BIDDING LAWS THE CITY OF GREENVILLE IN THE CONSTRUCTION OF PARKING STRUCTURE PROJECTS IN ITS CENTRAL BUSINESS DISTRICT.

Referred to the **Commerce Committee**.

By Senator Hagan:

**S.B. 1039**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2004-2005 FISCAL YEAR.

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

By Senator Hagan:

**S.B. 1040**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2004-2005 FISCAL YEAR.

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

By Senators Kerr, Jenkins; Albertson, Smith, Swindell and Thomas:

**S.B. 1041**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT THE NORTH CAROLINA CARDIOVASCULAR DISEASES INSTITUTE AT EAST CAROLINA UNIVERSITY.

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

May 11, 2004

By Senators Garwood, Jenkins; and Foxx:

**S.B. 1043**, A BILL TO BE ENTITLED AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING AGGREGATES.

Referred to the **Commerce Committee**.

By Senators Garwood; and Foxx:

**S.B. 1044**, A BILL TO BE ENTITLED AN ACT TO PERMIT THE COUNTY OF WILKES TO ACQUIRE PROPERTY AND CONVEY IT TO THE STATE FOR USE AS A VISITORS' CENTER/REST AREA.

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

By Senators Hargett; Albertson, Apodaca, Berger, Bingham, Blake, Brock, Carpenter, Dalton, Dorsett, Forrester, Garwood, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Shaw, Sloan, Smith, Soles, Thomas, Tillman, Webster and Weinstein:

**S.B. 1045**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MARINE CORPS MUSEUM OF THE CAROLINAS.

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

By Senators Hoyle; Albertson, Apodaca, Brock, Dalton, Foxx, Holloman, Hunt, Kerr, Malone, Moore, Queen, Sloan, Smith, Swindell, Thomas and Weinstein:

**S.B. 1046**, 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 the **Pensions & Retirement and Aging Committee**.

By Senator Soles:

**S.B. 1047**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR OF THE TOWN OF CHADBOURN.

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

By Senators Garrou; Swindell and Thomas:

**S.B. 1048**, A BILL TO BE ENTITLED AN ACT TO PROTECT NORTH CAROLINIANS BY AMENDING THE SEX OFFENDER REGISTRATION LAW TO PROVIDE ADDITIONAL NOTIFICATION MEASURES DESIGNED TO NOTIFY NEW RESIDENTS OF THE STATE WHO ARE SEX OFFENDERS OF THE DUTY TO REGISTER IN THIS STATE AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT.

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

By Senators Garrou; Swindell and Thomas:

**S.J.R. 1049**, A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE

May 11, 2004



ENTITLED AN ACT TO PROTECT NORTH CAROLINIANS BY AMENDING THE SEX OFFENDER REGISTRATION LAW TO PROVIDE ADDITIONAL NOTIFICATION MEASURES DESIGNED TO NOTIFY NEW RESIDENTS OF THE STATE WHO ARE SEX OFFENDERS OF THE DUTY TO REGISTER IN THIS STATE AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT.

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

Upon motion of Senator Basnight, seconded by Senator Hartsell, the Senate adjourns at 3:22 P.M. to meet tomorrow, Wednesday, May 12, at 11:30 A.M.

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### ONE HUNDRED EIGHTH DAY

Senate Chamber  
Wednesday, May 12, 2004

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, during a few moments of silence this morning, hear the individual prayers of the members of this body.

"I'm sure some will pray with gratitude for the miraculous healing You have provided them or family or friends. Others will pray, still waiting for answers.

"All of us will pray mindful of the great risks encountered by our men and women who serve in the armed services.

"So hear our prayers during this time of silence.

"You have taught us that courage does not belong to those who have no fear. Courage is the hard-won badge of persons who can't go on - but somehow they do.

"Thank you for hearing and responding to our prayers this morning. Amen."

The Chair grants leaves of absence for today to Senator Dalton and Senator Nesbitt.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, May 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. Charles O. Boyette from Belhaven, North Carolina, who is serving the Senate as Doctor of the Day.*

### SPECIAL PRESENTATION

Dr. Charles O. Boyette, who is serving as the Doctor of the Day is invited to the Well of the Senate, for a special presentation. On behalf of the Senate, Senator

May 12, 2004

Basnight presents Dr. Boyette a Certificate of Congratulations upon the honor of his recognition as America's Country Doctor for 2004.

Upon motion of Senator Basnight, the Chair extends the courtesies of the gallery to the Belhaven Town Council (George Ebron, Albert Baker, Cynthia Heath, Linda Wilkerson and Jimmy Hodges) and Carole McKay, Beaufort-Hyde Newspaper Editor.

Upon motion of Senator Basnight and Senator Garrou, the remarks of the members, the Lieutenant Governor, and Dr. Boyette are spread upon the Journal, as follows:

**Lieutenant Governor Perdue:**

“Members of the Senate, if you will, at the request of Senator Basnight of Dare County, we have the Belhaven Town Council with us today, George Ebron, Albert Baker, Cynthia Heath, Linda Wilkerson and Jimmy Hodges. Carole McKay is from the Beaufort-Hyde newspaper and where are you all – raise your hands. They’re over here in the far corner. Senator Basnight and members of the Senate welcome you and, as a result, we have a special tribute of sorts that I have been asked to read and I think all of you who care so much about health care in North Carolina will be blessed by what you hear about this fine man who is the Doctor of the Day for us. Dr. Boyette, if you will stand up and let us look at you while I’m doing this. Ladies and Gentlemen of the Senate, Senator Basnight’s best general practitioner is standing in back of the Chamber. His name is Dr. Charles Boyette. He has been a citizen of Belhaven, North Carolina for years and he is truly extraordinary. For those of you who know Belhaven you know how terrific it is for somebody to be a rural doc in that community. As the story goes, in 1964 he was discharged from the military at 8 o’clock in the morning and he opened his clinic an hour later. Ever since then he has worked tirelessly to serve all the needs of all the people in Belhaven, a town of less than 2,000. Now that means that he provides free health care to poor people which is critical. At the Boyette Medical Clinic, he and his staff treat close to one hundred patients a day, eighty-five percent of whom qualify for Medicaid or Medicare. He serves as the Medical Director for the nursing home and he is in and out of that facility taking care of people, a home care agency and is Director of the county’s health department. In addition to providing medical care, Dr. Boyette is also Mayor of Belhaven and has served in that post for the last thirty years. Local folks who live there and who live across Eastern North Carolina sing the praises of Dr. Boyette telling stories of the fabulous things he has done for us, real people of North Carolina and for the town. They talk of how his clinic treated African Americans when most of the South remained segregated, how he opened his home as an emergency room when the local hospital closed during a hurricane even though the wind was blowing at ninety-five miles per hour, how he quietly pays the utility bills of resident after resident who would not have power without him. He sends out crews to maintain a local church. He pays for them. They work for the church for free, how he and his staff check on patients’ yards to see if they’ve been mowed, or feed their pets so they’ll know the patients are o.k., how when an elderly widow’s cat was struck by a car he called around and found a kitten that was available for adoption in a town thirty miles away. He sent somebody to pick it up so he could give this woman the pet she needed to survive. How one morning after treating an

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unemployed mother and several of her young children he asked a local store, 'Would you just be kind enough to put aside a few shoes and clothes for this family, they're poor and they don't have anything.' Then the man, rather than being asked to do it for free, heard Dr. Boyette say, 'and I'm going to pay for these clothes and shoes.' How he helped make arrangements for families who couldn't afford a coffin for a funeral for their loved one, how he disconnected himself from traction when he suffered a ruptured disc to deliver a baby and to save a heart attack victim, or how after Hurricane Fran, he pushed and pushed FEMA to assist in raising 320 homes above flood level just in time for Hurricane Isabel to hit and knock them all down again, how he rallied people and resources and he saved that local hospital from bankruptcy because of that, how he launched a foundation to provide foundation help for college tuition to over 100 community college students who have an education today who wouldn't have had that were it not for his leadership, how he worked diligently to figure out how to get \$24 million in grant money for a water treatment plant for his town, a day care center, a recreation center, a new library and disaster relief. All this - and if you're sick in Belhaven you can call him up and he'll find time to make a house call. That's what I call a great doctor. For these and other deeds and accomplishments much too numerous to mention today, Dr. Charles Boyette has just been selected as the 2003 Country Doctor of the Year. The Country Doctor of the Year Award is a national honor presented to a physician who best exemplifies the spirit, the skill, and the dedication of American's rural medical practitioners. What we have in the back of this Chamber today is an angel who's working on earth. And you may be the Country Doctor of the Year to America but in North Carolina, you're our doctor. We thank you. We thank you for your leadership in your community and we thank you for being you. Let's honor Dr. Charles Boyette. Dr. Boyette, if you'll come up and join Senator Basnight and me at the front of the Well Senator Basnight has a wonderful certificate to present to you on behalf of the Senate and I want a big hug from the Man of the Year."

**Senator Basnight:**

"If I may have the privilege of the Well of the Senate, Madame Lieutenant Governor and members of the Senate. You heard just a little about this great man, very little of so much he has accomplished. R. C., I don't believe it was mentioned that he came from Columbus County. He left Chadbourn long ago and still pays property taxes there, I believe. He's as surprised as the Town Council of what was said today because it has always been hidden. It's always been known in that community, no one ever shared the greatness of this man but today the North Carolina Senate does just that. He's the kind of man that makes each and every one of us, David, awfully proud. You could feel a quietness in the Senate as the Lieutenant Governor read many of the great accomplishments, the human accomplishments of Dr. Charles Boyette. He has worked in the community to keep it prepared and ready for a greater opportunity for the next generation. The community that could have easily been left behind and had no hope or no future but this man gave opportunity to so many people and he gave health care when health care facilities were closed and many doctors left for better pay, more money, greater opportunity, less risk. And he doesn't ask whether or not there is some protection built into his facility which may be as little as an outhouse when he serves the needs

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of a patient. He doesn't ask if he's protected in some way when he instantly tries to save the life of a human being. He goes about the practice of medicine as they have done for centuries in this Country, the saving of lives, and the giving of opportunities for so many people. He is not just a Mayor, not just a doctor, but a great, great American, as great as they make them. Let's give him the kind of ovation, the kind of thanks that is very rarely given to anybody in this Chamber. Thanks to Dr. Charles Boyette from the North Carolina Senate."

**Lieutenant Governor Perdue:**

"If you'll give us a few more minutes, we'd like to hear from Dr. Boyette because, again, he exemplifies the very best of what makes North Carolina the best State in America. You may all take your seats so you can enjoy his words. He's a man who exemplifies good practice of health care, a political leader and somebody that we're honored to call friend in Eastern North Carolina and we wanted to share him with you all. And you from those great urban cities, eat your heart out, because he's what makes Eastern North Carolina great."

**Dr. Boyette:**

"Madame President, Senator Basnight, thank you so very much for this great honor by this august body. It certainly is a bit more of a surprise sitting up in the top there our Town Council. I appreciate so very much the opportunity to serve my community, my people. I've been in this particular position as Doctor of the Day over the last twenty years and I have been Mayor thirty years and have been in Belhaven as I say, forty years, almost long enough to be a full time citizen. We have done an awful lot in Belhaven. I've had tremendous backup to make that happen. No one person makes it happen. It's dependent upon who is behind you as to how far you can go and how much of a load you can pull. We have a tremendous Council and I give them credit along with our Town Manager for allowing me to conduct meetings and all I have to do is sit there and call for the next agenda item. And the hospital, we have a very fine community hospital there, I think second to none for a small community of 2,200. We now have that on the upswing and are increasing our services to provide health care for that area. We extend from Belhaven all the way into Hyde County and all their medical facilities in Beaufort County are extended into Hyde County for they have very little resource there. It's a real pleasure to be able to serve in these capacities and I find great pleasure in trying to accomplish and to promote but I can tell you again that I am not there alone because there is tremendous support in what we are doing. Our town and community are now ready for the next step. We have a tremendous infrastructure already in place with \$24 million with all these improvements in sanitation, in water plants and libraries and now we're going to have a new post office, \$700,000, and that will add a tremendous aspect to our community. And in waterfront development \$150-300 million anticipated, two projects being thought about and worked on at this particular time. We are looking to improve our economy, we are looking to improve our employment, we are looking to improve the quality of life for our people, to have them where they can stay at home. The young will not have to leave but can continue to live and enjoy what we have in that great part of the world. Thank you so very much and I thank you for your time and your patience."

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**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 54**, Governor's Task Force on Driving While Impaired.

**Executive Order Number 55**, Extending the North Carolina State Health Coordinating Council.

**Executive Order Number 56**, North Carolina Interagency Council for Coordinating Homeless Programs.

**Executive Order Number 57**, Amending Executive Order Number 54 Governor's Task Force on Driving While Impaired.

**INTRODUCTION OF BILLS**

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

By Senator Carpenter:

**S.B. 1050**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE FORMULA FOR ALLOCATING SMALL SCHOOL SYSTEM SUPPLEMENTAL FUNDING.

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

By Senator Soles:

**S.B. 1051**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TOWN OF SUNSET BEACH IS AN EMPLOYING UNIT UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

Referred to the **Select Committee on Employee Hospital and Medical Benefits Committee**.

By Senator Moore:

**S.B. 1052**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO HELP CONSTRUCT THE NEW PITT COUNTY SENIOR CENTER.

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

By Senators Moore; Brock, Forrester, Garwood, Rucho, Smith and Tillman:

**S.B. 1053**, 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 the **Appropriations/Base Budget Committee**.

By Senators Dalton, Nesbitt, Queen, Thomas; Apodaca, Brock, Carpenter, Foxx and Tillman:

**S.B. 1054**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE UNLAWFUL DISTRIBUTION OF METHAMPHETAMINE THAT PROXIMATELY

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RESULTS IN THE DEATH OF A PERSON IS SECOND DEGREE MURDER, TO MAKE IT AN AGGRAVATING FACTOR TO MANUFACTURE METHAMPHETAMINE IN A LOCATION THAT ENDANGERS A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR THE UNLAWFUL MANUFACTURE OF METHAMPHETAMINE, AND TO INCREASE THE CRIMINAL PENALTY FOR THE POSSESSION OF PRECURSOR SUBSTANCES FOR METHAMPHETAMINE, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE.

Referred to the **Judiciary II Committee**.

By Senator Holloman:

**S.B. 1055**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A NEW MAGISTRATE POSITION FOR HALIFAX COUNTY.

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

By Senators Dalton, Kerr, Hartsell, Hoyle, Webster; Thomas and Foxx:

**S.B. 1056**, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PAY MONETARY COMPENSATION FOR REMOVAL OF LAWFULLY ERECTED OFF-PREMISES OUTDOOR ADVERTISING SIGNS AND TO AUTHORIZE LOCAL GOVERNMENTS TO ENTER INTO RELOCATION AND RECONSTRUCTION AGREEMENTS WITH OWNERS OF NONCONFORMING OFF-PREMISES OUTDOOR ADVERTISING SIGNS.

Referred to the **Commerce Committee**.

#### ADDITIONAL SPONSORS

Senator Berger, Senator Forrester, Senator Pittenger and Senator White request to be added as a sponsor of previously introduced legislation:

**S.B. 1048**, A BILL TO BE ENTITLED AN ACT TO PROTECT NORTH CAROLINIANS BY AMENDING THE SEX OFFENDER REGISTRATION LAW TO PROVIDE ADDITIONAL NOTIFICATION MEASURES DESIGNED TO NOTIFY NEW RESIDENTS OF THE STATE WHO ARE SEX OFFENDERS OF THE DUTY TO REGISTER IN THIS STATE AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT.

**S.J.R. 1049**, A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO PROTECT NORTH CAROLINIANS BY AMENDING THE SEX OFFENDER REGISTRATION LAW TO PROVIDE ADDITIONAL NOTIFICATION MEASURES DESIGNED TO NOTIFY NEW RESIDENTS OF THE STATE WHO ARE SEX OFFENDERS OF THE DUTY TO REGISTER IN THIS STATE AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT.

Upon motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns subject to ratification of bills and receipt of messages from the House of Representatives, to meet tomorrow, Thursday, May 13, at 11:00 A.M.

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**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. 1032**, A JOINT RESOLUTION HONORING THE MEMORY OF MAGGIE SETZER PYLANT FOR WHOM THE TOWN OF MAGGIE VALLEY IS NAMED UPON THE TOWN'S CENTENNIAL OBSERVANCE. (Res. 2004-1)

**SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

**H.B. 1411** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE AS TEMPORARY UNVEGETATED BEACH AREAS CERTAIN OCEANFRONT AREAS ON HATTERAS ISLAND WHERE THE VEGETATION LINE WAS DESTROYED BY HURRICANE ISABEL AND THE REMNANTS OF THE VEGETATION LINE WERE BURIED BY THE CONSTRUCTION OF AN EMERGENCY BERM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

**S.B. 1042** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A SUPERIOR COURT JUDGE TO PERFORM MARRIAGE CEREMONIES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 13, for concurrence in the House Committee Substitute bill.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 12:05 P.M.

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**ONE HUNDRED NINTH DAY**

Senate Chamber  
Thursday, May 13, 2004

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, yesterday, listening to the many humanitarian accomplishments of Dr. Charles Boyette was like hearing a powerful and touching sermon.

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"On the day when he opened his medical practice in Belhaven, there is no way he could have envisioned all the lives he would change for the better.

"He just embraced his call to serve with a heart that cared for one patient at a time.

"As a reflection of Your love and care for each of us, I believe Dr. Boyette has taught us a life lesson from which we should all find inspiration and guidance. Amen."

The Chair grants leaves of absence for today to Senator Dalton, Senator Moore, Senator Pittenger and Senator Reeves.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, 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. W. Grimes Byerly, Jr. from Hickory, North Carolina, who is serving the Senate as Doctor of the Day, and to Celeste Toombs from Durham, North Carolina, who is serving the Senate as Nurse of the Day.*

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

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

**H.B. 1411** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE AS TEMPORARY UNVEGETATED BEACH AREAS CERTAIN OCEANFRONT AREAS ON HATTERAS ISLAND WHERE THE VEGETATION LINE WAS DESTROYED BY HURRICANE ISABEL AND THE REMNANTS OF THE VEGETATION LINE WERE BURIED BY THE CONSTRUCTION OF AN EMERGENCY BERM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30491, is adopted and engrossed.

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

### CALENDAR

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

**H.B. 1411** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE AS TEMPORARY UNVEGETATED BEACH AREAS CERTAIN OCEANFRONT AREAS ON HATTERAS ISLAND WHERE THE VEGETATION LINE WAS DESTROYED BY HURRICANE ISABEL AND THE REMNANTS OF THE VEGETATION LINE WERE BURIED BY THE

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CONSTRUCTION OF AN EMERGENCY BERM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, placed earlier on today's Calendar.

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.

**S.B. 1042** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A SUPERIOR COURT JUDGE TO PERFORM MARRIAGE CEREMONIES.

Without objection, Senator Rand offers a motion that Senate Bill 1042 may be returned to the House of Representatives if requested by that Honorable Body.

Upon motion of Senator Basnight, seconded by Senator Horton, the Senate adjourns subject to introduction of bills, ratification of bills and receipt of messages from the House of Representatives, to meet Monday, May 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 Senators Forrester; Allran, Berger, Blake, Brock, Carpenter, Foxx, Garwood, Hoyle, Moore, Pittenger, Sloan, Smith, Tillman and White:

**S.B. 1057**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT MARRIAGE IS THE UNION OF ONE MAN AND ONE WOMAN AT ONE TIME, AND THIS IS THE ONLY MARRIAGE THAT IS RECOGNIZED AS VALID IN THIS STATE.

Referred to the **Judiciary I Committee**.

By Senator Rand; Albertson, Clodfelter, Dalton, Dannelly, Dorsett, Foxx, Garrou, Hargett, Hoyle, Hunt, Jenkins, Kerr, Lucas, Malone, Purcell, Queen, Soles, Thomas and Weinstein:

**S.B. 1058**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE MILITARY OR A DEPENDENT RELATIVE OF A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT UNIVERSITY OR A COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE IN-STATE TUITION RATE.

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

By Senator Rand; Albertson, Clodfelter, Dalton, Dannelly, Dorsett, Foxx, Garrou, Hargett, Hoyle, Hunt, Jenkins, Kerr, Lucas, Malone, Purcell, Queen, Soles, Swindell, Thomas and Weinstein:

**S.B. 1059**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR SMALL BUSINESSES THAT PROVIDE EMPLOYEE HEALTH INSURANCE.

Referred to the **Finance Committee**.

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By Senator Carpenter:

**S.B. 1060**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to the **Finance Committee**.

By Senators Hartsell, Albertson, Apodaca, Bingham, Dalton, Dannelly, Garrou, Jenkins, Kerr, Queen, Sloan, Stevens and Weinstein:

**S.B. 1061**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE FORMULA USED TO DETERMINE THE ENTERPRISE TIER DESIGNATION OF A COUNTY.

Referred to the **Finance Committee**.

By Senators Hartsell, Albertson, Apodaca, Bingham, Dalton, Dannelly, Garrou, Jenkins, Kerr, Queen, Sloan and Weinstein:

**S.B. 1062**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM AND TO ALLOW THE ECONOMIC INVESTMENT COMMITTEE TO ENTER INTO MORE AGREEMENTS UNDER THE PROGRAM AND TO COMMIT MORE FUNDS.

Referred to the **Finance Committee**.

By Senators Hartsell, Albertson, Apodaca, Bingham, Dalton, Dannelly, Garrou, Jenkins, Kerr, Queen, Sloan, Stevens and Weinstein:

**S.B. 1063**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS.

Referred to the **Finance Committee**.

By Senator Kerr:

**S.B. 1064**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, AND THE PRESERVATION OF NATURAL HERITAGE.

Referred to the **Finance Committee**.

By Senators Kerr; and Hartsell:

**S.B. 1065**, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN AERIAL SURVEYING PHOTOGRAPHY PRODUCTS FROM SALES AND USE TAX.

Referred to the **Finance Committee**.

By Senator Shubert:

**S.B. 1066**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF INDIAN TRAIL TO REMOVE THE REQUIREMENT THAT THE TOWN ATTORNEY SHALL ATTEND ALL TOWN COUNCIL MEETINGS.

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

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By Senators Kerr; Foxx, Hoyle, Jenkins and Rand:

**S.B. 1067**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT PROBATION AND PAROLE OFFICERS ARE COVERED BY THE LAW-ENFORCEMENT OFFICERS', FIREMEN'S, RESCUE SQUAD WORKERS' AND CIVIL AIR PATROL MEMBERS' DEATH BENEFITS ACT.

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

By Senators Purcell and Hartsell; Albertson, Clodfelter, Dannelly, Dorsett, Foxx, Jenkins, Kinnaird, Lucas, Malone, Moore, Reeves and Weinstein:

**S.B. 1068**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON THE LONG-TERM CARE INSURANCE TAX CREDIT.

Referred to the **Finance Committee**.

By Senators Dorsett; Albertson, Dalton, Dannelly, Foxx, Garrou, Hoyle, Hunt, Jenkins, Lucas, Malone, Moore, Purcell, Rand, Reeves and Thomas:

**S.B. 1069**, 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**.

By Senators Albertson; and Carpenter:

**S.B. 1070**, 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**.

By Senators Albertson; Carpenter and Hargett:

**S.B. 1071**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A RECREATIONAL SHELLFISH LICENSE, TO AMEND THE STATUTES GOVERNING THE CULTIVATION OF SHELLFISH, AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO STUDY ISSUES RELATED TO THE CULTIVATION OF SHELLFISH.

Referred to the **Agriculture/Environment/Natural Resources Committee**, and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Foxx; Berger, Dorsett, Pittenger, Purcell and Rucho:

**S.B. 1072**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR OSTEOPOROSIS EDUCATION AND AWARENESS ACTIVITIES, AS RECOMMENDED BY THE OSTEOPOROSIS EDUCATION TASK FORCE.

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

By Senators Foxx; Berger, Dorsett, Pittenger, Purcell and Rucho:

**S.B. 1073**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE OSTEOPOROSIS PREVENTION, TREATMENT, AND DIAGNOSIS PROGRAM IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

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

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By Senators Rand; Albertson, Hargett, Holloman, Jenkins, Kerr, Purcell, Soles, Swindell, Thomas and Weinstein:

**S.B. 1074**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE SUPPLEMENTAL FUNDING FOR LOW-WEALTH SCHOOL SYSTEMS.

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

By Senators Rand; Albertson, Clodfelter, Dannelly, Dorsett, Garrou, Hargett, Holloman, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Purcell, Soles, Swindell, Thomas and Weinstein:

**S.B. 1075**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS UNDER THE SMALL BUSINESS CONTRACTOR ACT SO AS TO INCREASE PARTICIPATION BY SMALL BUSINESSES.

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

By Senators Rand; and Thomas:

**S.B. 1076**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE STATE HIGHWAY PATROL TO OPERATE WEIGH STATIONS; TO AUTHORIZE NONSWORN PERSONNEL OF THE DIVISION OF STATE HIGHWAY PATROL TO OPERATE WEIGH STATIONS; TO MAKE CONFORMING, TECHNICAL CHANGES TO THE LAW GOVERNING WEIGH STATIONS; AND TO APPROPRIATE FUNDS.

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

By Senators Jenkins; and Carpenter:

**S.B. 1077**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CLASSIFICATION OF ASSAULTING A PUBLIC TRANSPORTATION OPERATOR FROM A CLASS 2 MISDEMEANOR TO A CLASS A1 MISDEMEANOR.

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

By Senators Jenkins; and Carpenter:

**S.B. 1078**, A BILL TO BE ENTITLED AN ACT TO AMEND THE VEHICLE CONTROL SIGN AND SIGNAL LAW.

Referred to the **Judiciary I Committee**.

By Senators Jenkins; and Carpenter:

**S.B. 1079**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON EARNINGS BY RETIRED DEPARTMENT OF TRANSPORTATION ENGINEERS AND ENGINEERING TECHNICIANS.

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

By Senator Jenkins:

**S.B. 1080**, A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND TO DEFINE THE INTRASTATE HIGHWAY SYSTEM OF THE

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STATE AND TO MAKE THE INTRASTATE SYSTEM ELIGIBLE FOR HIGHWAY TRUST FUND FUNDS.

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

By Senator Jenkins:

**S.B. 1081**, A BILL TO BE ENTITLED AN ACT TO AMEND THE APPLICATION OF THE WORKERS' COMPENSATION LAW TO CERTAIN MOTOR CARRIERS.

Referred to the **Commerce Committee**.

By Senator Jenkins:

**S.B. 1082**, A BILL TO BE ENTITLED AN ACT TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY AND WOMEN BUSINESSES IN HIGHWAY CONSTRUCTION.

Referred to the **Judiciary I Committee**.

By Senator Jenkins:

**S.B. 1083**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES.

Referred to the **Judiciary I Committee**.

By Senator Jenkins:

**S.B. 1084**, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC CONSTRUCTION CONTRACT SURETY BOND STATUTE.

Referred to the **Finance Committee**.

By Senator Jenkins:

**S.B. 1085**, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES.

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

By Senator Jenkins:

**S.B. 1086**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE REAR HIGH MOUNTED FLASHING DECELERATION LAMPS ON PUBLIC TRANSIT VEHICLES.

Referred to the **Judiciary I Committee**.

By Senator Jenkins:

**S.B. 1087**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE RATE OF INTEREST ALLOWED ON HIGHWAY CONDEMNATION AWARDS.

Referred to the **Judiciary I Committee**.

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By Senator Jenkins:

**S.B. 1088**, A BILL TO BE ENTITLED AN ACT TO REQUIRE MOPED IDENTIFICATION TAGS.

Referred to the **Judiciary I Committee**.

By Senator Jenkins:

**S.B. 1089**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS FROM LOCAL GOVERNMENTS TO ADVANCE THE CONSTRUCTION SCHEDULE OF TIP PROJECTS.

Referred to the **Judiciary I Committee**.

By Senator Jenkins:

**S.B. 1090**, A BILL TO BE ENTITLED AN ACT TO EXEMPT MOVEMENT AROUND EMERGENCY VEHICLES FROM HOV LANE RESTRICTIONS.

Referred to the **Judiciary I Committee**.

By Senator Jenkins:

**S.B. 1091**, A BILL TO BE ENTITLED AN ACT TO REQUIRE PUBLIC TRANSIT OPERATORS AND OTHER EMPLOYEES TO REPORT TO THE DIVISION OF MOTOR VEHICLES THE NAME OF THE EMPLOYEE AND THE RESULTS OF ANY FEDERALLY REQUIRED AND TRANSPORTATION RELATED FAILED DRUG AND ALCOHOL TEST, AND TO REQUIRE THE DIVISION TO PROVIDE THE INFORMATION IT COLLECTS TO OTHER EMPLOYERS REQUIRED BY FEDERAL LAW TO TEST TRANSPORTATION RELATED EMPLOYEES.

Referred to the **Judiciary I Committee**.

By Senator Jenkins:

**S.B. 1092**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMPACT.

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

By Senator Jenkins:

**S.B. 1093**, A BILL TO BE ENTITLED AN ACT TO ADD EDGECOMBE COUNTY TO THOSE COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES.

Referred to the **Finance Committee**.

By Senators Berger, Purcell, Queen, Sloan, Kinnaird, Soles, Foxx, Stevens; and Dorsett:

**S.B. 1094**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE REGISTER OF DEEDS IN CERTAIN COUNTIES TO ACCEPT ELECTRONIC RECORDS FOR FILING.

Referred to the **Judiciary I Committee**.

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Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 11:44 A.M.

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### ONE HUNDRED TENTH DAY

Senate Chamber  
Monday, May 17, 2004

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, fifty years ago today when the U.S. Supreme Court ruled in the Brown verses the Board of Education that segregation had no place in public education, they set in motion a Biblical principle that we had given only lip service to but not internalized or practiced very much.

"Paul says in Galatians 3:28 that when we are in right relationship with You, there is no Jew or Greek, there is neither slave or free, or male or female - for we are all precious children in Your sight, and we are all loved.

"Today, we remember those who have bravely stood for such a principle and ask that we embrace our responsibility to live and teach that holy truth to all future generations.

"For Your sake we pray, Amen."

*The President of the Senate extends courtesies of the floor to Dr. Mitchell D. Hardison from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Donna White from Clayton, North Carolina, who is serving the Senate as Nurse of the Day.*

The Chair grants leaves of absence for tonight to Senator Carrington, Senator Foxx, Senator Garwood, Senator Hagan and Senator Hoyle.

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

### CALENDAR

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

**S.B. 1042** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A SUPERIOR COURT JUDGE TO PERFORM MARRIAGE CEREMONIES.

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

### PRIVILEGES OF THE FLOOR

The President extends privileges of the floor to The Honorable Robert D. Warren, former Senator from Johnston County.

### SENATE PAGES

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

Brittany G. Brinson, Durham; Alisa Fay Cassil, State Road; Tyler Craft, Kenansville; Ashley Rose Edmundson, Hendersonville; Megan Foster, Henderson; Daniel Jerome Fussell III, Wallace; Darryl Gentry, Jr., Henderson; Cassidy Kristen Hamrick, Rutherfordton; Charles Gordon Hoggard, Greenville; Sara Stuart Hughes, Wallace; Marco A. Jones, Raleigh; Timothy Kidwai, Raleigh; Ebony S. Lee, Durham; Aaron T. Linville, Kernersville; Travis Lockhart, Hillsborough; Megan Elise Meeks, Stanley; Maria Elizabeth Parrish, Warsaw; Chase Griffin Pattillo, Fayetteville; Ebony Reaves, Tarboro; Brittany Runion, Newland; Matthew Erik Whittenberg, Huntersville; Michael Octavius Whittenberg, Huntersville; and Robert F. Womack, Jr., Pinehurst.

Upon motion of Senator Basnight, seconded by Senator Weinstein, the Senate adjourns at 7:25 P.M. subject to introduction of bills, to meet tomorrow, Tuesday, May 18, 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 Hartsell:

**S.B. 1095**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE NORTH CAROLINA BOARD OF MASSAGE AND BODYWORK THERAPY DOES NOT HAVE THE AUTHORITY TO ESTABLISH FEES RELATED TO THE APPROVAL OF MASSAGE AND BODYWORK THERAPY SCHOOLS.

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

By Senator Hartsell:

**S.B. 1096**, A BILL TO BE ENTITLED AN ACT TO ADJUST THE BOUNDARIES BETWEEN THE CITIES OF CONCORD AND KANNAPOLIS AS MUTUALLY AGREED UPON.

Referred to the **Finance Committee**.

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By Senators Queen, Malone; Albertson, Allran, Bingham, Blake, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Hunt, Jenkins, Kinnaird, Lucas, Moore, Nesbitt, Purcell, Rand, Reeves, Shaw, Sloan, Smith, Soles, Stevens, Tillman and Weinstein:

**S.B. 1097**, A BILL TO BE ENTITLED AN ACT TO INCREASE HOMEOWNERSHIP IN NORTH CAROLINA BY DEVELOPING A PUBLIC EDUCATION CAMPAIGN REGARDING HOMEOWNERSHIP PROGRAMS AND THE BENEFITS OF HOMEOWNERSHIP, TO PROVIDE BETTER HOME BUYER PREPARATION AND CONSUMER CREDIT COUNSELING, TO CREATE REGIONAL COALITIONS TO IDENTIFY AND REDUCE BARRIERS TO HOMEOWNERSHIP, AND TO APPROPRIATE FUNDS TO ESTABLISH THOSE PROGRAMS.

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

By Senators Jenkins, Kerr, Albertson, Holloman, Swindell, Thomas; Bingham, Blake, Carpenter, Carrington, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Hargett, Hartsell, Hoyle, Hunt, Kinnaird, Lucas, Malone, Purcell, Queen, Rand, Smith, Soles, Stevens and Weinstein:

**S.B. 1098**, A BILL TO BE ENTITLED AN ACT TO IMPROVE HEALTH CARE BY AUTHORIZING SPECIAL INDEBTEDNESS TO FINANCE A CANCER TREATMENT CENTER AT THE UNIVERSITY OF NORTH CAROLINA HOSPITALS AT CHAPEL HILL AND A CARDIOVASCULAR DISEASES INSTITUTE AT EAST CAROLINA UNIVERSITY.

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

By Senators Hoyle, Apodaca, Garwood, Hagan, Hargett, Malone, Smith, Swindell, Thomas; and Shubert:

**S.B. 1099**, A BILL TO BE ENTITLED AN ACT TO REDUCE PERSONAL INCOME TAXES.

Referred to the **Finance Committee**.

By Senators Hoyle, Apodaca, Garwood, Hagan, Hargett, Malone, Smith, Swindell and Thomas:

**S.B. 1100**, A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT THE EXPRESS REVIEW PROGRAM.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Hoyle, Apodaca, Garwood, Hagan, Hargett, Malone, Smith, Swindell, Thomas; Carpenter and Shubert:

**S.B. 1101**, A BILL TO BE ENTITLED AN ACT TO REDUCE CORPORATE INCOME TAXES.

Referred to the **Finance Committee**.

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By Senators Hoyle, Apodaca, Garwood, Hagan, Hargett, Malone, Smith, Swindell and Thomas:

**S.B. 1102**, A BILL TO BE ENTITLED AN ACT REQUIRING JOB DEVELOPMENT INVESTMENT GRANT (JDIG) PROGRAM AGREEMENTS TO CONTAIN A PROVISION ENCOURAGING THE USE OF SMALL BUSINESSES HEADQUARTERED IN NORTH CAROLINA.

Referred to the **Finance Committee**.

By Senators Foxx, Nesbitt; Allran, Apodaca, Berger, Bingham, Carpenter, Carrington, Forrester, Garwood, Hargett, Hartsell, Horton, Hoyle, Kerr, Rucho, Shubert, Sloan, Smith, Stevens, Webster, Weinstein and White:

**S.B. 1103**, A BILL TO BE ENTITLED AN ACT TO AMEND THE ADMINISTRATIVE PROCEDURE ACT TO AUTHORIZE A PERSON TO PETITION AN AGENCY TO DETERMINE THE NEED FOR A RULE.

Referred to the **Judiciary I Committee**.

By Senators Foxx; Allran, Apodaca, Berger, Bingham, Carpenter, Carrington, Forrester, Garwood, Hargett, Horton, Hoyle, Kerr, Nesbitt, Rucho, Shubert, Sloan, Smith, Stevens, Webster, Weinstein and White:

**S.B. 1104**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE DEPARTMENT OF HEALTH AND HUMAN SERVICES' EXEMPTION FROM THE RULE-MAKING REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURE ACT WHEN ADOPTING NEW OR AMENDING EXISTING MEDICAL COVERAGE POLICIES UNDER THE STATE MEDICAID PROGRAM.

Referred to the **Judiciary I Committee**.

By Senator Garrou:

**S.B. 1105**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2004-2005 FISCAL YEAR.

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

By Senator Garrou:

**S.B. 1106**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2004-2005 FISCAL YEAR.

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

By Senator Bingham:

**S.B. 1107**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 33RD SENATORIAL DISTRICT.

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

By Senator Soles:

**S.B. 1108**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF PENDER.

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

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By Senator Soles:

**S.B. 1109**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF COLUMBUS.

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

By Senator Bingham:

**S.B. 1110**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 33RD SENATORIAL DISTRICT.

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

By Senators Albertson; Garwood, Lucas and Moore:

**S.B. 1111**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A VIOLATIONS POINTS SYSTEM FOR THE SUSPENSION, REVOCATION, AND REISSUANCE OF MARINE FISHING LICENSES.

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

By Senators Albertson; Garwood, Lucas and Moore:

**S.B. 1112**, A BILL TO BE ENTITLED AN ACT TO REQUIRE FISHERY MANAGEMENT PLANS TO ACHIEVE SUSTAINABLE HARVEST RATHER THAN OPTIMAL YIELD AND TO SPECIFY A TIME PERIOD FOR ENDING OVERFISHING AND REBUILDING THE FISHERY.

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

By Senator Soles:

**S.B. 1113**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 8TH SENATORIAL DISTRICT.

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

By Senator Soles:

**S.B. 1114**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BRUNSWICK.

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

By Senators Kerr, Hartsell, Albertson, Apodaca, Bingham, Dalton, Dannelly, Garrou, Jenkins, Queen, Sloan, Stevens and Weinstein:

**S.B. 1115**, A BILL TO BE ENTITLED AN ACT TO CREATE AN ALTERNATIVE RESEARCH AND DEVELOPMENT TAX CREDIT.

Referred to the **Finance Committee**.

By Senators Kerr, Albertson, Apodaca, Bingham, Dalton, Dannelly, Garrou, Hartsell, Jenkins, Queen, Sloan and Weinstein:

**S.B. 1116**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE FILM INDUSTRY DEVELOPMENT ACCOUNT AND TO APPROPRIATE FIVE MILLION DOLLARS TO THAT ACCOUNT.

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

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By Senators Kerr, Hartsell, Albertson, Apodaca, Bingham, Dalton, Dannelly, Garrou, Jenkins, Queen, Sloan and Weinstein:

**S.B. 1117**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE ONE NORTH CAROLINA FUND AND TO CODIFY PROVISIONS RELATING TO THE ONE NORTH CAROLINA FUND.

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

By Senator Kerr:

**S.B. 1118**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN TO PURCHASE RETIRED HIGHWAY PATROL SPECIAL REGISTRATION PLATES.

Referred to the **Finance Committee**.

By Senators Kerr and Albertson:

**S.B. 1119**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NEUSE REGIONAL WATER AND SEWER AUTHORITY FOR THE CONSTRUCTION OF A NEW REGIONAL WATER SUPPLY TREATMENT PLANT.

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

By Senators Kerr, Hartsell, Albertson, Apodaca, Bingham, Dalton, Dannelly, Garrou, Jenkins, Queen, Sloan, Weinstein and Stevens:

**S.B. 1120**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FIFTEEN MILLION DOLLARS TO THE RURAL ECONOMIC DEVELOPMENT CENTER TO BE USED TO CREATE A NORTH CAROLINA ECONOMIC INFRASTRUCTURE PROGRAM.

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

By Senator Shaw:

**S.B. 1121**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE DEVELOPMENT OF THE DR. MARTIN LUTHER KING, JR. MEMORIAL PARK IN CUMBERLAND COUNTY, WHICH WILL STIMULATE TOURISM AND ECONOMIC DEVELOPMENT.

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

By Senator Kinnaird:

**S.B. 1122**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR EIGHTEEN 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.

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

By Senator Kinnaird:

**S.B. 1123**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT GRANTS FROM UNIFORM PROGRAMS FOR PUBLIC CAMPAIGN

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FINANCING OF THE TOWN OF CHAPEL HILL DO NOT CONSTITUTE "CONTRIBUTIONS" AND ARE NOT SUBJECT TO RESTRICTIONS ON CONTRIBUTIONS; AND TO CLARIFY THAT THE TOWN OF CHAPEL HILL IS AUTHORIZED TO CONDUCT THOSE PROGRAMS.

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

By Senators Hartsell; and Carpenter:

**S.B. 1124**, A BILL TO BE ENTITLED AN ACT TO AMEND THE STRUCTURED SENTENCING LAWS WITH REGARD TO POST-RELEASE SUPERVISION AS RECOMMENDED BY THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION.

Referred to the **Judiciary II Committee**.

By Senator Smith:

**S.B. 1125**, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE OFFICE OF CORONER IN JOHNSTON COUNTY.

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

By Senator Shaw:

**S.B. 1126**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF FAYETTEVILLE TO REQUIRE APPROVAL OF ANNEXATIONS BY THE VOTERS OF THE AREA TO BE ANNEXED.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:34 P.M.

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## ONE HUNDRED ELEVENTH DAY

Senate Chamber  
Tuesday, May 18, 2004

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

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

"Dear God, some people treasure things and possessions as if the higher the stack, the greater measure of personal importance.

"In contrast, Martin Luther once said, 'I have held many things in my hands and have lost them all, but whatever I placed in God's hands, that I still possess.'

"And so we place the great treasure and gift of this day into Your hands that we may serve others and You well. Amen."

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The Chair grants leaves of absence for today to Senator Bingham and Senator Hagan.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, May 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. John P. Ebert from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Cassandra Hefner from Hickory, North Carolina, who is serving the Senate as Nurse of the Day.*

#### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

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

**S.B. 1098**, A BILL TO BE ENTITLED AN ACT TO IMPROVE HEALTH CARE BY AUTHORIZING SPECIAL INDEBTEDNESS TO FINANCE A CANCER TREATMENT CENTER AT THE UNIVERSITY OF NORTH CAROLINA HOSPITALS AT CHAPEL HILL AND A CARDIOVASCULAR DISEASES INSTITUTE AT EAST CAROLINA UNIVERSITY, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

The Senate recesses for the purpose of an **Appropriations/Base Budget Committee** meeting, to reconvene at 4:21 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 as follows:

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

**S.B. 1098**, A BILL TO BE ENTITLED AN ACT TO IMPROVE HEALTH CARE BY AUTHORIZING SPECIAL INDEBTEDNESS TO FINANCE A CANCER TREATMENT CENTER AT THE UNIVERSITY OF NORTH CAROLINA HOSPITALS AT CHAPEL HILL AND A CARDIOVASCULAR DISEASES INSTITUTE AT EAST CAROLINA UNIVERSITY, with a favorable report.

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

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

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

### CALENDAR

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

**S.B. 1098**, A BILL TO BE ENTITLED AN ACT TO IMPROVE HEALTH CARE BY AUTHORIZING SPECIAL INDEBTEDNESS TO FINANCE A CANCER TREATMENT CENTER AT THE UNIVERSITY OF NORTH CAROLINA HOSPITALS AT CHAPEL HILL AND A CARDIOVASCULAR DISEASES INSTITUTE AT EAST CAROLINA UNIVERSITY, placed earlier on today's Calendar.

Senator Berger offers Amendment No. 1 which fails of adoption (17-31).

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

The bill passes 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, Garwood, Hargett, Holloman, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein and White—46.

Voting in the negative: Senator Rucho—1.

The bill remains on the Calendar for tomorrow, Wednesday, May 19, upon third reading.

Upon motion of Senator Kerr, the remarks of the members are spread upon the Journal, as follows:

**Senator Jenkins:**

“Madame President, I think it would be appropriate at first to say that I know that our former colleagues, Senator Bob Martin and Senator Ed Warren, would be extremely pleased with what we are discussing here today and actions we will hopefully take. I thank you for allowing me to stand up and talk. This bill will make North Carolina a national leader in the care and research of cardiovascular diseases and cancer. These diseases affect all of our citizens and as I said earlier, they disproportionately affect our African-American citizens. Cancer instance and mortality rates in North Carolina are above the national average. Forty percent of North Carolinians will be diagnosed with cancer in their lifetimes. North Carolina has the fourth highest death rate from stroke-related illnesses. In the 29 counties in eastern North Carolina, the problem is even worse. The death rate from stroke is 35 percent higher than the rest of the State. The death rate from cardiovascular disease is 23 percent higher than the rest of the State. If the 29 northeastern counties were made state number 51, not only would it be the poorest state in this nation, it would be one of the sickest states in this nation. It would lead in cancer, cardiovascular disease, strokes, diabetes, and obesity, and the only person that might beat them out is Mississippi. A frightening stat that Dr. Mike Louis said earlier is that the young

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school-age generation that is just coming up right now might be the first generation in many years to be forecast not to live as long as their parents. It's not an overstatement to say that these are serious health problems for North Carolina. Early detection and diagnosis, prevention and treatment programs and ground-breaking research will take North Carolina to the next level of improving health. The bill before you today will authorize \$240 million of financing to build the cardiovascular institute at East Carolina University and a cancer center at the University Hospitals in Chapel Hill. You heard earlier from Dr. Mike Louis, Dr. Bill Roper, and from President Molly Broad as far as their feelings about this proposed bill. I think it's important to remember that this is not just about statistics and mortality rate, it's about people behind those numbers. Far too many North Carolina families have suffered from cancer, cardiovascular disease, stroke, and other illness. These hospitals are for all the citizens of this State, and to be used by all the citizens of this State. In closing, I'd like to say a few things. If you were Bill Gates and had all the money you could possibly use and you wanted to build a cardiovascular center where it would be used the most, you would pick Greenville to put that. If you look at the cancer hospital in Chapel Hill, as Dr. Roper mentioned earlier, it is old, it is disjointed, it is antiquated and, I can say this I guess in plain terms, it is a dump. As I mentioned earlier, 30 Senators have sponsored this bill, which I think shows the bipartisan support it has and I would move that we would vote for it. Thank you very much."

**Senator Kerr:**

"Very seldom in life does one have the chance to do something historic for the people, for the little people who can't afford hospitalizations, and can't afford to fight cancer. And I think of the \$3 billion bond issue we did for higher education. It took two years, three years to get that, and the same people were against that. And I think of the water and sewer bonds, the \$800 million that we did six or seven years ago. The natural gas – we have natural gas in all of our counties but three. And all of these are opportunities to move this State forward. This is a good bill from the science, from the health. It's a good bill for jobs, jobs that will be created that can't go overseas. I commend this bill to you, and I certainly support this bill. Businesses like to come to places where they have good workers and good healthcare. And this is a positive bill, and I think we've heard it three times now in the last five hours and I urge you to support the bill as it is, and I commend it to you, and I think you can look back that this is an historic day, and I think we can look back and see that we have taken a step forward for the people of North Carolina. Thank you."

**Senator Weinstein:**

"Ladies and gentlemen of the Senate, very rarely I stand up and speak on bills, but today I am proud to be a member of the North Carolina Senate and to be a part of this historic occasion. I want to speak on the cancer hospital of Chapel Hill because I am very close to that cancer hospital and can tell you the needs that need to be done to improve that center. Approximately six years ago, my wife was diagnosed with uterine cancer and lymphoma that had spread fairly all over her body. Back then, the first treatments that you took were massive doses of chemotherapy. I can't tell you how sick those treatments would make a person. Not only the loss of hair, the

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constant nausea, the sores that go in your mouth, and after all of this massive chemo, you go back to the doctor and he tells you it did not work. So we go to another treatment. It's called total body radiation and stem-cell transplant. It's complete isolation for 30 days. They take you to the point of death, and they bring you back to life. And this is how cancer was treated back then. We took that, we went through that horrible treatment and I can tell you the treatment was just as bad as the disease. It did not work. But to show you how far things have come, even back then with research, they had one last medicine that they wanted to try and I found out later it worked in maybe one out of five patients. And we took that chance. Not only did that medicine make her not lose her hair, it did not make her nauseous, and it put the cancer in remission. I never will forget the name of that drug, it was called Rituxan. That was five years ago. We still go back every six months. That hospital, as crowded as it was, and it was so crowded, and it had people from all walks of life over North Carolina – black, white, rich, poor, young, old, men, women - from all parts of the State. And that's what we are going to do today. We are going to create the Mayo Clinic of Cancer Research by passing this bill. And we are going to provide these citizens of our State the finest research available. And today it is unbelievable the new medicines that they have that patients don't have to suffer like they did five, six years ago. So I urge you, on the cancer center, to vote for this bill. It's a wonderful bill, and the heart and stroke center. It's a proud day in the Senate of North Carolina that we address bills like this for the benefit of the citizens of our State. I urge you to vote for this bill. Thank you."

**Senator Albertson:**

"Thank you, Madame President, members of the Senate. Like you I've been in this chamber, been privileged to be here for a number of years. And, of course, in all of my years here, I've seen a lot of legislation come through here. Some of it was good, some probably not so good. But every once in a while, every once in a while, there comes a piece of legislation before this body that you know, without a doubt, is the right thing to do for the people and I sincerely believe with all my heart that this is one of those bills. Now I can't speak for the good Lord above, but I do believe this bill probably comes as close to being the Master's work of anything we've seen in a long time. I had a letter from a minister friend of mine a few weeks back, Senator Horton, and he spoke about cancer and he referred to it as a terrorist. He told me how hard it was and how tough it was to go out and visit the family where a family member was suffering from cancer. And this is about what he told me. He said, 'Charlie, I believe you folks have a moral responsibility to attack this terrorist and try to eradicate it from the midst of our people.' And I've thought about what he said so many times and I think he's right. We have the resources to attack and defeat this terrorist, ladies and gentlemen of this Senate. And I am so glad, like Senator Weinstein has already said, that I am here in this chamber today, and have this opportunity to support this very important bill. And I urge you to do so as well. Thank you."

**Senator Lucas:**

"Last year during session I was rushed to the hospital because the Doctor of the Day said that I had an elevated, abnormal blood pressure. That day I was worried

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because of the blood pressure and I returned to the Senate the next day and two of my colleagues said to me, 'You need to go and get a thorough check-up by some special doctors.' Those two colleagues are Senator Basnight and Senator Rand. And so I did. I followed their advice and I went to Carolina to two doctors that they recommended, Dr. Tony Meyer and Dr. Brian Goldstein. And when they examined me, they determined that I had breast cancer. Now don't be alarmed because I said to them, 'When do we get started? You don't have to worry about me, what you have to worry about is using all of your skills and your wisdom and your understanding, and if it is God's will, he will heal me.' Well, from July of 2003 to this very moment, I have been under treatment at Carolina with Dr. Halle, Dr. Lisa Carey, Dr. Meyer, Dr. Goldstein, and because of your prayers, and because of your cards and everything that you've done, I'm standing here today. Treatment for my cancer required that I go from building to building to building. I started off with the mammogram building, I went to the ultrasound building, then one day I went to the MRI building, and then I went to chemotherapy with infusion, and Senator Weinstein has told you the whole story. I'm a living witness that it happens. And then finally, this past month, I've been in radiation. While being treated daily, weekly, monthly, I sat in a room with people from all over North Carolina, Senator Weinstein, rich, poor, black, white, young, old, educated, uneducated. This hospital has provided for North Carolinians a service that is needed for all families. It's important that you pass this bill because, I hate to keep saying Senator Weinstein, but he told you the truth, and Senator Jenkins. The facility is not adequate. I hope that nobody in this room ever experiences the illness that we've been through. But if you do, I want you to have the very best facility and the very best quality physicians to take care of you, because cancer is a deadly disease and unless you have those physicians with the wisdom and the facilities there, then you will not be able to – you may be able, but because I'm standing here is because they took the very best of care of me. Your vote today will help all North Carolinians and beyond to live healthier lives and longer lives because you provided this facility. And I'm talking about the cancer facility, but you must also do it for the other facility. I want to thank you, Tony, and I want to thank you, Marc, for saving my life, because when I went, they immediately went to work on my body. And today I stand here, thanking the hospital and thanking you. Vote for the bill."

**Senator Horton:**

"Madame President, the stage seems to be set, the galleries are festooned with the clacks of people who would benefit from this bill. Everybody seems to have known about it in advance, otherwise, they wouldn't have been able to be over here today. Strange, because the bill wasn't introduced until yesterday evening. But it does seem that the juggernaut is rolling. And I ask, what is the great haste? We do know that the interest rates are at somewhat historic lows, but they aren't going to change overnight. Why all the haste? Introduced yesterday at 2:00 P.M., goes through the financing committee, by 3:30 it's here on the floor, by 4:20, I'm sorry, 3:30 was the Appropriations meeting, 4:20 was the meeting that we are at right now, and whatever happened to the concept of the North Carolina Senate as a deliberative body? Whatever happened to the concept that we are supposed to see the legislation and study it? Give it time to vote intelligently on it. We are, after all, supposed to

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be thinking people. We were not elected to come here and rub the staff in front of some juggernaut. The truth is, I hate to suggest that it may be that those who are rushing this bill through with such haste don't trust the people of this State. As you know, the Constitution requires that for debts the people have to vote the referendum unless it can be shoehorned in some other way and this is what we call the special indebtedness. But in using the special indebtedness for \$240 million, we are using a concept of bill that has not been judicially inducted in this State. This is the first time out, and yet we are in such a rush that we simply cannot bring ourselves to make sure that we are doing this according to It sure looks like we are going to be saddled with a debt of \$240 million without any referendum. I'm reminded of Edmund Burke's comment that the individual is foolish, but the race is wise. Deliberation collectively, debate collectively, is what's needed. But we don't get that because you know in truth and fact, this is not simply a cop, it is not a special indebtedness as you might consider it, because every one of us knows that the full faith and credit of this State is going to be pledged to this \$240 million that we have just proposed today. The reason I say that is in spite of a statute, we in North Carolina are proud of the fact that we don't let bonds default. We step in and so every bond that is approved ... down at the treasurer's office is just as good as a general obligation bond. And this is too. In truth and fact, we are pledging the full faith and credit of the State of North Carolina. Every one of us knows that this is much involved. And everyone knows that the reason that we are talking about poor people and having this kind of treatment and great this sort, then how wonderful it is and how marvelous it is that we should do this, we are avoiding talking about the hard facts of money and the fact that it is going to have to be paid back. And that is what concerns me. The speed, the lack of deliberation, the willingness to steamroller this thing through with a happy throng in the galleries, and our willingness to forget the old adage, 'Act in haste, repent at leisure.'"

**Senator Purcell:**

"Thank you, Madame President, ladies and gentlemen of the Senate. Since this bill is really about cardiovascular disease and cancer centers, it is really about people and I want to, like Senator Lucas and Senator Weinstein have so ably done, tell my story, and I'm sure that many of you have stories that you can tell, also. A little over ten years ago, my wife, who was a math teacher in high school, one day had a headache. And we had her evaluated and she was sent to Chapel Hill where it was found that she had a highly malignant brain tumor. (Glioblastoma multifome) She received excellent care and excellent treatment at Chapel Hill and despite that, the cancer took her life in four short months. But you know the thing that was interesting is that despite the excellent care and the state-of-the-art treatment that she got, the facilities were far from adequate. I may be the only member of this Senate that ever worked in that building, the Gravely Building, which was, as Dr. Roper said in the Finance Committee meeting, the building that has been used for over 50 years and I was there at about that time when it was a tuberculosis hospital. The building, those of you who have been in there, has low ceilings and small rooms; it's just totally inadequate. I think we have an opportunity here to do something that will be, as others have said, for all of the people of North Carolina from the East, from the West and from the middle part of the State. We have an opportunity to have a

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class cancer treatment and research center that will benefit all of the people of North Carolina and the cardiovascular center at East Carolina. I think this is a wonderful opportunity and I thank those who brought this bill forward and I certainly urge everybody to vote for this bill.”

**Senator Thomas:**

“Thank you, Madame President. It gives me great pleasure to rise today in support of this bill. As a graduate of East Carolina University, I’m very familiar and aware of how important East Carolina University is to our region. But we’re also very proud of the work that they do at the East Carolina University School of Medicine and the work that Dr. Chitwood does there as a leading physician at East Carolina University. We’re also proud of what they’re doing at UNC Chapel Hill and the work there, as well. And I think it’s important for us to take this bold step, this bold move today. As we all know, being in the legislature a lot of times we get bogged down in the details. We speak in terms of amendments and committee substitutes and subcommittee meetings, committee meetings, and even sub-subcommittee meetings. And it’s not every day that we have an opportunity to do something bold. It’s not every day that we have the opportunity to do something that is going to outlive ourselves and that will serve generations to come. I think that with this bill today, that we will have the opportunity to do something bold. To take a step that will serve, not just our families, but the families throughout North Carolina. As you look around this chamber, I’m not going to ask for a show of hands because I know you’re not supposed to do that in the chamber, but if I did ask for a show of hands, I bet there’s probably not a single person in here who can raise their hand and say that they or their families have not been touched by either cancer or cardiovascular diseases. And you have certainly heard some of the stories in here today of some of our own colleagues who have had to experience this. As our population in North Carolina continues to grow older and older, it’s important for us to take this bold step today, to take a bold step so that we will be able to see what can happen in North Carolina in terms of health care. Many times, working in the legislature, we can’t always see the forest for the trees, but I would say to you today we can see the forest, and by taking this bold step, we are also going to allow the people, the families of North Carolina who suffer from these dreadful diseases to sit back and to see the forest as well. I would urge your support for this bill. Thank you.”

**Senator Dalton:**

“Thank you, Madame President, and members of the Senate. I first want to thank Senator Kerr and Senator Jenkins for their work on this bill. Both of my parents died of heart disease at a very early age or too early an age and I applaud what they have done, but being a graduate of the University of North Carolina, I want to talk a little bit more about the cancer center and focus my comments there because I’m very proud of that initiative. And I think over time, it will be acknowledged, together with the biotechnology initiative, that what we have is one of the greatest visions in the history of this State. Senator Horton, I think thinking people of North Carolina will agree with that, also. We are a fortunate State, we’ve had great visions in the past. Maybe one of the greatest of all was the creation of that first public university that said everybody would have an educational opportunity. You didn’t have to be rich or wealthy. And if you think about it, that vision of a public

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university is really the genesis of this vision because this will be the hospital for the people. We're the State that funded the first public art museum with public money, we created RTP, a great community college system, and when you look at the cancer center, the heart and stroke center, if you look at the biotechnology initiative, I think that it's something that North Carolina and this Senate will look back on with great pride. Senator Thomas was right. I think every citizen of North Carolina, in some way or another, has had their life impacted by cancer. I can stand here and think of a handful of constituents in my district right now that are traveling to Sloan Kettering, traveling to Mayo, traveling to Johns Hopkins. But I can think of many, many more in my district that don't have the wealth that those constituents have. They don't have that opportunity. And what this will do is allow those people the opportunity. And I agree with Senator Horton. We should never default on this obligation, and we should never abandon the cause to help people who need help and to help cure illness among our people. This bill is going to help in a lot of ways. Economic development is being talked a lot and this will certainly help. It will entice more of the brightest to come to North Carolina, both doctors and researchers. It is going to have a tremendous economic impact. The connectivity of it, I think, is one of its greatest assets, trying to join all of North Carolina to improve healthcare throughout the State. I think it goes a long way to helping this 'One North Carolina' that we all talk about. But I think its greatest benefit is that it is owned by the people. It is something that North Carolina citizens can be proud of. It will be a tremendous step in the search for the cure for cancer. And I think, perhaps, one of the greatest things, too, is the message it will send. In the twenty-first century, it will say that North Carolina is going to be a leader in healthcare and in the health sciences. I applaud the Board of Governors for its vision and Senator Basnight, I applaud you, not only for your vision, but for your courage and tenacity in always supporting this and always advocating it. I think that history will prove that it is a landmark piece of legislation and will provide great dividends to this state. And I urge your support of the bill."

**Senator Moore:**

"I thank you, gentlemen and ladies of the Senate. Thank you for other people coming today – those people up in the gallery. This is the vision of Senator Ed Warren, and I'm at this seat because of Ed Warren. He would be smiling today on all of you, his vision. I thank you, Senator Basnight. Thank you, he pushed from the very, very beginning. Thank you Clark Jenkins, and thank you John Kerr. However it comes. When you talk about, Senator Horton, about how is the method, I'm sorry, today might not be the best method in the world, but as long as it gets done. And you know, competition causes change and this is competitiveness and I appreciate it. So I thank you for Senator Warren. Thank you for my district. Thank you for East Carolina University and I hope you all vote for it. I did not sign this bill originally, but I had a companion bill. I am very supportive of this."

**Senator Carpenter:**

"Thank you, Madame President. We've heard a great deal of eloquence here this afternoon, a lot of sound reasoning, a lot of illustrations of certain happenings in the individual lives of so many of us. My first wife died in '85, very much the same as

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yours, Dr. Purcell, after about four months with colon cancer. When I was elected down here, first in 1988, not long after I was elected, Dr. Coddington, who was a member of the Senate at the time, died and Marc Basnight asked me serve out the rest of his term on the Advisory Council on Cancer Coordination and Control. Senator Dannelly and Senator Purcell are now on that committee. I've rotated off because of the number of years I was on there. But during that period of time, my daughter, my oldest daughter, who lived in Knightdale, was a teacher, and was quite a teacher for that matter. She contracted Renal-Cell Carcinoma, which you know is kidney cancer, and you remember she died last year in June up here in Raleigh. She was a patient at Duke University Hospital. The month that she turned for the worst was February of '03 and was the very same month that her two younger sisters, the same month, were diagnosed with cancer. Now those girls have made remarkable recovery and none of these four patients were actually treated at Chapel Hill. However, as most of you know, particularly Marc Basnight, the doctors over there, and many others, coordinated and the second-oldest daughter is now recovering from what we thought was a death sentence from cancer. She is a patient at Emory University Hospital in Atlanta. She's back to work in a hospital and recovering and her youngest sister, Tina, who was diagnosed with breast cancer, went through a mastectomy and a certain drug called Herceptin and because of the clinical trials, if ya'll remember, Tony Rand tried two or three times to run a clinical trials bill, and Zeno Edwards was on that committee at the time, this ACCCC committee. He and I contrived to take Tony's bill and introduce it as an amendment to the Patients' Bill of Rights, and we were able to get the clinical trials legislation through. Well, low and behold, Tina, my youngest daughter, is participating. She is cured of cancer, but by virtue of the wisdom, we'll say, of the General Assembly, she is participating as volunteer so they can monitor her treatment through this drug called Herceptin to help other patients. So what we're seeing is an overall move forward, not just at Carolina and Chapel Hill, but I think through the whole Southeast. And I think that since we live so far away from Raleigh, I can see that, maybe, with a little bit better perspective than some of the rest of you. But I would like to say that I have thoroughly absorbed all the eloquence here today and I thank you very much for all the help. So I, obviously, do support the bill and ask for everyone else to support it also. Thank you."

**Senator Foxx:**

"Senator Kerr, Senator Horton brought up a very important point, I had planned to ask this question earlier, but can you tell us why the extraordinary rush to get this bill through here today? And why not the opportunity...why are we rushing? Why does it all have to be done in one day?"

**Senator Kerr:**

"Madame, we cannot do it in one day. We will be back tomorrow on third reading because of the Constitution of this State. So we can have this discussion all day tomorrow, until somebody calls a question. But this needs to move on and certainly this bill has been out there, it was out there last year, the whole issue. We have introduced the bill I think the first day of the session. It was a bill without the funding mechanism, but the bill is there and we can continue this eloquent and very

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learned discussion tomorrow and so that's the reason. This bill needs to be moved. This is a short session, and there's some word that we might be going home in two or three weeks and we need to get this off the table and make sure that we don't have catfish amendments thrown out that's been discussed here earlier - some way to kill the spirit and the idea and the glory of this bill. And we will continue tomorrow and we'll be glad to answer your questions then and give everybody a chance to breathe deep overnight. Thank you."

**Senator Rand:**

"Ladies and gentlemen of the Senate, the human condition is, I think, the most important part of what we deal with and the opportunity to do a little something about suffering and a little something about improving the quality of care, a little something about making people's lives a little brighter and better is what, really I think, is, perhaps, the finest endeavor that we involve ourselves in. There's no unseemly haste in this - you know exactly what you're doing. You're voting to put a cardiovascular center with a medical school at East Carolina. You're voting for the cancer center in Chapel Hill. Both of these will be to serve the people of North Carolina. the two things that really are really the ... of mankind. Now yes, it's a lot of money we're talking about, but it's \$30 a person. There are eight million people in North Carolina. It's \$30 a person, and I'm willing to pay mine. I'd pay whatever I had if one of my loved ones were caught up in something like this. I think all of you would. My father and sister were both taken by cancer. And so, what we're doing here today says that we want a better life for the people of North Carolina. We want to offer all the people of North Carolina the opportunity to get the very best quality of healthcare that's available anywhere in the world. That's a noble thing; that's a wonderful thing we're doing. There might be those that disagree with that, that don't think we can do it for one reason or another. But it is a small price to pay for the kind of things that this would do for all of our people. So I would ask your support for the bill, and I think that as we go forward and look back on this day we will all take a great deal of pride in that we did something for people who might not be able to do anything for themselves. Thank you."

**Senator Berger:**

"I would like to send forward an amendment. Members of the Senate, the first thing I want to say is I want to second everything that has been said up to this point about the need for the cancer center and the need for the hospital at East Carolina University. There is no question that both of those facilities are sorely needed in the State of North Carolina. There is no question that there is a lot of great good that will come from both of those facilities. The purpose of this amendment is merely to change the way those facilities are paid for. And what the amendment would do is it would pay the 20-year, as I recall, the amortization of the debt partially from the Health and Wellness Trust Fund dollars and partially from the Golden Leaf Foundation dollars. Basically, the split is one-fourth from Health and Wellness Trust and three-fourths from Golden Leaf. Now, why is that the right way to pay for these facilities? Well, if you'll recall, the tobacco lawsuits had everything to do with recovering for the State of North Carolina the cost of smoking. And what are those costs, in terms of our people? Those costs are generally agreed to be increased

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cancer, increased deaths from cancer, increased heart disease, increased cardiovascular problems. And so it is fitting and proper that the monies from those settlements be used to fund these facilities – the research, the treatment facilities. It is the right use of those monies. Additionally, this General Assembly, in its wisdom, decided that it was appropriate to divide the tobacco settlement monies up into various pots. One of the things that the money was divided for – 25 percent of the tobacco money was to be used to deal with health and wellness issues. Fifty percent of the money was to be used to deal with economic development issues. So it is appropriate in terms of how we are using the money and it is consistent with what the General Assembly decided was an appropriate division of monies for purposes of dealing with the adverse consequences of smoking. So, we've heard members of this body talk about how the cancer facility and the cardiovascular facility will be economic development tools. And so we should use some of the tobacco trust fund money that is set aside for economic development purposes to pay for these facilities. We've heard people talk about how there have been severe consequences from incidents of cancer and so it is appropriate that part of the tobacco money be used to pay for the facilities for the treatment. Now, if we don't use the tobacco money and, by the way, I've asked our staff to look at what kind of consequence we're talking about in terms of the repayment. And, of course, the fiscal note we had in the Finance Committee indicated that in the first year, the fiscal impact would be about \$800,000, the second year would be \$5 million, third year \$12.4 million. Well, as far as the available funds in Golden Leaf, even after discounting the payments to Golden Leaf because of the fact that we are receiving less than anticipated, Golden Leaf is projected to receive, after a 21 percent discount, \$58 million in 2005. Is it too much to pay \$3.8 million of that for the cancer hospital and for the cardiovascular facility? The Health and Wellness Trust Fund is projected to receive \$36.9 million, less 21 percent. Is it too much to ask that the Health and Wellness Trust Fund..."

**Senator Dalton:**

"Senator Berger, you mentioned in 2005-2006 the Health and Wellness Trust Fund would receive \$58 million. But would it not be correct that the following year, 2006-2007, that's cut in half to about \$27 million?"

**Senator Berger:**

"If I said that, Senator Dalton, I misspoke. The amount that Golden Leaf would receive in 2005 is \$58.4 million. The amount that the Health and Wellness Trust Fund would receive in that same year is \$36.9, less 21 percent. I haven't done that calculation, but it would be about \$30 million."

**Senator Dalton:**

"Do you know what they show in the following year?"

**Senator Berger:**

"The number I have discounted for Golden Leaf in year 2006 is \$59.1 million. I believe the printout you have deals strictly with Health and Wellness Trust Fund."

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**Senator Dalton:**

“What do you show on the Health and Wellness Trust Fund for 2006-2007?”

**Senator Berger:**

“For 2006-2007, \$27.4 million.”

**Senator Dalton:**

“Ok, and did you not say that the year prior to that 2005-2006 was \$58 million?”

**Senator Berger:**

“I did not. I did not say that. That’s what the spreadsheet you have says, but I did not say that. So the question for us is – do we use the tobacco money? Do we use the money that was collected and secured for purposes of dealing with health consequences of smoking to pay for these hospitals? Or do we use General Fund money and have that much less for schools, that much less for Medicaid, that much less for agricultural programs, that much less for the courts, that much less for everything else we fund through the General Fund. I urge your support of the amendment.”

**Senator Rand:**

“Thank you, Madame President, and ladies and gentlemen of the Senate. This amendment is fairly straightforward. I’m sure all of you understand it and I would suspect most of you understand that this amendment is pretty effectively killing the bill. As you know, the Golden Leaf Foundation was established by court order. It has always been my professional opinion and those of lawyers whose abilities and whose opinions I trust, that we cannot take this money. As you remember, we had to go back in session and approve certain things by a certain date and then the court established the Golden Leaf Trust Fund. To say that you are going to pay for it out of the Golden Leaf Foundation guarantees you years of litigation as to whether you can touch that money and I don’t think you’ll finally get it. Then the other part about taking it from the Health and Wellness Trust Fund. As you know, we tried that route last year – it did not succeed. We have already tried this; it has not succeeded. I would say that if you want to take this money, you’re saying now the prescription plan that has been approved for Senior Citizens – you are taking the money from that. You are also taking money that has been designated to stop teenage smoking. You are taking money from programs that have tremendous value to society now and things that have been set up based on other actions we have taken. This is, in my opinion, an amendment designed to kill the bill. If you don’t want to vote for the bill, just vote against the bill. Let us not in...so, if you don’t want to vote for the bill, just vote against the bill. But let’s not play with it and let’s not mess with it. This issue is far too important and has far too many implications for the future of our State and what we’re about. I urge you to defeat the amendment.”

**Senator Rucho:**

“Thank you, Madame President. There was a lot of personal testimony today by many people that have been impacted either personally or by their family members.

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I remember when I heard that Senator Weinstein's wife, Karen, had that, many of us prayed for her recovery and thank God we were able to succeed along with the support of the cancer hospital up there. And it's delightful because I don't enjoy going to dinner with anybody else more than Karen and David and it's good that we can still do that. When I came here eight years ago, I had dark hair. Today, some people call it salt and pepper, at least I still have some there, thank goodness. But over the eight years I, too, was stricken by cancer. I, too, have been stricken by cardiovascular disease. Senator Basnight, you know the old saying, it's good to be able to walk out of a place before they have to carry you out. And I hope at some point I can do that real soon. But the reality is no one in this room will say that these aren't two worthwhile projects. We need them. The real question is how should it be funded? Senator Berger eloquently explained there are sufficient dollars here to allow us to accomplish this and actually use the tobacco settlement money for what its original purpose was, not what the General Assembly divvied it up to be, but what its original purpose was and that is the cancer and other stricken illnesses, cardiovascular illnesses that the people of North Carolina are suffering. And it would be a shame to use General Fund money when we have access to money that is earmarked just for this purpose. I know there are folks saying this is a catfish amendment. It is unfortunate that Senator Kerr would say that. It's unfortunate that Senator Rand would say that we're trying to kill this bill. What we're trying to do is find a source of money that will allow us to fund these two worthwhile projects, also provide money in our ease so that it can be used for education as in other subjects that the General Fund revenues should be used for. I'll tell you, we all believe this is important. I think these are two worthwhile projects. We need to fund it the way it should appropriately be funded, and I urge you to support Senator Berger's amendment and fund it with the help of trust fund money like that."

**Senator Webster:**

"I've heard a lot of ...various places about what this amendment will do. I've also watched in other states what this tobacco money was used for. I don't understand all of the implications of the law and the settlement, and I'm puzzled about what's so different in North Carolina. I watched the very effective use and the very directed use of these tobacco settlement monies, just across the line to the north in Virginia the use of the monies to help the farmers, the cattle farmers, the doubt to the coming rules for keeping the water clean. I've not seen any evidence of it in North Carolina. I've not seen any evidence of any expenditure to discourage children from smoking except coming out of the tobacco companies. Now, there may be some down East; there may be some up in the mountains. There may be some in central North Carolina, but I've not seen it. I know a lot of poor people in my part of the country and I've not seen them get any help with prescription drugs coming out of this tobacco money. Maybe there is, maybe I haven't noticed it. But I know a lot of poor people who need help with the prescription drugs and I've not seen it. I'm not saying that there's not any, but I'd like to know where it's going. Now, this expenditure is a place where we can see, we know where it is, we know what it can be, we know what it is and I want so badly to be a part of helping to produce. I know what it's like. This very morning, this very morning, on my way down here, Marc, I stopped to visit a man younger than I am who is going to be dead

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in a week or two. He was found to have a brain tumor two or three years ago. They operated on him – he was doing right good we thought. But it was a gelatinous tumor and when he told me that it was like jelly, I'm no doctor, but I've got sense enough to know that was not good news. They treated him and treated him and treated him and treated him, and he was a fighter. But about 10 days ago he started fading and he's fading more and more, and he's seeing it every day. He's not going to make it, folks, we know that. I myself have had my own visitations in the cancer clinic down in Chapel Hill. I was lucky I had the least kind that you could have. I thought I was going to be smart after I had it taken off. The doctor said you've got to come back in such and such a time for a check-up. I told my wife, I said, 'I don't have to go back, it's alright. I can look at it and tell.' She said, 'You've got to go back.' I said, 'I don't have to go back, I'm not going to waste my time setting down there in that mess – have to park over yonder, walk half a mile.' So she got up, went in the next room. I heard her pull a book off the shelf, one of her reference books. She came in there, opened up a great, big ole book. I said, 'What are you doing?' She said, 'I thought I'd show you what a man would look like with no nose.' I said, 'Ok, I got your point, Pat. I'll go and make that appointment to have him look at this spot right here.' But I tell you what, this is a good amendment. It is not a catfish amendment. It is a good, solid amendment. I know ya'll are going to vote it down. I'm sorry you're going to vote it down. But even after ya'll vote it down, I'm glad I got a nose to hold a vote to the bill the way it's financed. This will be the second cops bill I will have voted for in 10 years, I want you to know that. Cops is bad news, it's a violation of our Constitution."

**Senator Berger:**

"Thank you, Madame President. I do think it's unfortunate that some have indicated that the purpose of this amendment is to kill the bill. That is not the purpose of this amendment. The purpose of this amendment is to find a more appropriate way to finance these worthy projects and I think we have with this amendment. With reference to the Health and Wellness Trust Fund, the amount of money that would be coming out of the Health and Wellness Trust Fund would not impact any of the programs or projects that are currently in place. I've looked at the numbers. I've got a spreadsheet if anybody wants to look at it. It will not impact. The Health and Wellness Trust Fund has done many good things. I got a letter not too long ago from the Lieutenant Governor with certain projects that were funded in Rockingham and Guilford County – excellent projects that are going to do a lot of good for a lot of people. I do not want to impact those good programs that are currently in place. So I urge your support of the amendment. I'm sorry that folks feel like the purpose of this is to kill the bill because that is clearly not the purpose. I think it's unfortunate that's been said."

**Senator Shubert:**

"Thank you, Madame President. I've lost loved ones both to heart disease and cancer. To suggest that this is because we are not interested in providing those services is not in good form. I withdrew an amendment in committee earlier that I really would have liked to see but I didn't want to hold up the bill because I think it's important. The financing is questionable. The allocation of funds is as skewed as

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usual. But the causes are good and I take some comfort in the fact that I'm convinced that the majority of the people in this state want to see these facilities built. But the method of financing is something separate and apart from whether we want to see the facilities built. It amazes me what's happened in this State. We had a lawsuit a few years back because we had, supposedly, so many people injured by smoking and we wanted to take the money from those that harmed them and use it to help those that were harmed. The Attorney General at the time, now the Governor, somehow rearranged these settlements so that we are now in the bizarre situation where the injured parties, the smokers, are being taxed and, in some cases, the money is going to those who injured them. Golden Leaf funds were even used to provide infrastructure for a tobacco warehouse. I think there is widespread question on how the tobacco settlement funds are being used and all this is doing is saying we have funds available, we have a purpose that is entirely within the scope of what the public thought that money was going to be used for and maybe we need to tie it down to something worthwhile before it all disappears. Thank you."

**Senator Rand:**

"Ladies and gentlemen, I will again tell you the Golden Leaf Foundation is established by a court order. This will not take a nickel out of it. You cannot get that money or if you ever succeeded in getting it, it would be years after the litigation involving this. This does not finance the project; this would kill the project. Thank you."

**Senator Basnight:**

"Madame President, members of the Senate, last year, if you recall, on the cancer center, we passed it with this mechanism – not using the Golden Leaf, but using the Health and Wellness. The House ignored that method and they elected not to give any consideration to that method of funding of building the cancer center at Chapel Hill. And if you pass this amendment, the same will occur, I'm sure. I can't speak for the House any more that any of us in here can but you know a little bit about their history, and history would surely repeat itself. If this worthy project would not be considered, what reason is it that they did not consider it? It was the funding mechanism. The funding mechanism was the Health and Wellness program. This amendment does the same exact thing in taking a portion of the Health and Wellness money to fund this center or these two. So if you pass it, it is my humble guess that you have successfully killed the heart/stroke center and the cancer center this year."

**Lieutenant Governor Perdue:**

"Members of the Senate, before you vote, I'd just like to say one thing, and I've asked if I might weigh in on it and I appreciate your tolerance. You know, it's not often that you can go home at the end of the day in here and think that you've actually saved a life. It's not often that you get that chance to do that in your public service. You do a lot of good things. But today, as you pass this bill, and I believe you will, you can actually go home, as you say your prayers you can say, 'God, I did a good lick for the people of North Carolina today.' In my role as Chair of the Health and Wellness Commission, I've had the opportunity, as you have in your districts, to learn a whole lot about North Carolina and about what we should be

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doing as a people – to take better care of the eight million folks who call North Carolina home. So many of our people have no healthcare at all. That’s a shame. We’re better than that. Eastern North Carolina, where I’m from, is the stroke-belt of America. Any physician in the country can tell you that. We’re better than that. And in North Carolina, it’s not if, Jeanne, you get cancer, it’s when you get cancer. It’s rampant in this state. Today, with these two facilities, you’re changing the face of healthcare in North Carolina. You’re making a lot of difference for a lot of people who depend on you. The cancer center and the cardiovascular institute are fabulous projects – state-of-the-art. The technology alone will bring research dollars from all over the world here. Can you imagine the doctors who will want to move to North Carolina and practice? They’ll want to do their research in this State because of what you’re about today. And can you all imagine in 10 years, if we only live that long, the derivatives we’ll see in North Carolina? The billions of dollars that will be saved from the health and wellness and the prevention activities that will become norm in our businesses across the State because of the leadership from healthcare professionals. You all are doing that today. Cancer and stroke, heart disease, we’ve taken a lick against those diseases. Businesses will be safer and better and healthcare will be more available for our people. You know, all of the folks today in North Carolina could say you did a good job for them. And you know what, who knows, the next day you have your physical, or your wife or husband has their physical, or your kid or your grandkid, you may be saving that life or your life through the work you do today. I stand up here often and think I’m your mama. I love hearing you debate and it’s not often I weigh in. Today I want to tell you how proud I am of this debate and how proud I am of you, for your leadership in doing something that’s way overdue in this great state.”

#### **PRIVILEGES OF THE FLOOR**

The President extends privileges of the floor to The Honorable Joseph E. Thomas, former Senator from Craven County, and The Honorable William D. Mills, former Senator from Onslow County.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following message is received from the House of Representatives:

**S.B. 623** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A SPECIAL DEADLINE FOR EXEMPT ADULT HOUSING FACILITIES LOCATED IN A DOWNTOWN AREA AND BEING RELOCATED DUE TO A MAJOR ECONOMIC DEVELOPMENT PROJECT, for concurrence in the House Committee Substitute bill.

Upon motion by Senator Rand, the rules are suspended and the House Committee Substitute bill is placed on today’s Calendar for concurrence in the House Committee Substitute bill.

Upon motion of Senator Reeves, the Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled and sent to the Governor by special message.

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**ADDITIONAL SPONSORS**

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

**S.B. 1061**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE FORMULA USED TO DETERMINE THE ENTERPRISE TIER DESIGNATION OF A COUNTY.

**S.B. 1062**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM AND TO ALLOW THE ECONOMIC INVESTMENT COMMITTEE TO ENTER INTO MORE AGREEMENTS UNDER THE PROGRAM AND TO COMMIT MORE FUNDS.

**S.B. 1068**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON THE LONG-TERM CARE INSURANCE TAX CREDIT.

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

**S.B. 1100**, A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT THE EXPRESS REVIEW PROGRAM.

**S.B. 1111**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A VIOLATIONS POINTS SYSTEM FOR THE SUSPENSION, REVOCATION, AND REISSUANCE OF MARINE FISHING LICENSES.

**S.B. 1124**, A BILL TO BE ENTITLED AN ACT TO AMEND THE STRUCTURED SENTENCING LAWS WITH REGARD TO POST-RELEASE SUPERVISION AS RECOMMENDED BY THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION.

Upon motion of Senator Dannelly, seconded by Senator Thomas, the Senate adjourns subject to introduction of bills, to meet tomorrow, Wednesday, May 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 Bingham:

**S.B. 1127**, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF WALLBURG.

Referred to the **Finance Committee**.

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By Senator Purcell:

**S.B. 1128**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA DEPARTMENT OF JUSTICE TO CHARGE EACH APPLICANT FOR A LOCKSMITH LICENSE OR AN APPRENTICE DESIGNATION A CRIMINAL HISTORY RECORD CHECK FEE.

Referred to the **Finance Committee**.

By Senator Purcell:

**S.B. 1129**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 25TH SENATORIAL DISTRICT.

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

By Senator Purcell:

**S.B. 1130**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 25TH SENATORIAL DISTRICT.

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

By Senator Purcell:

**S.B. 1131**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 25TH SENATORIAL DISTRICT.

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

By Senator Kinnaird:

**S.B. 1132**, A BILL TO BE ENTITLED AN ACT TO EXEMPT PREPARED BAKERY ITEMS FROM STATE SALES TAX WHEN SOLD WITHOUT EATING UTENSILS.

Referred to the **Finance Committee**.

By Senator Purcell:

**S.B. 1133**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE VILLAGE OF MISENHEIMER TO ALLOW FOR MUNICIPAL ELECTIONS IN ODD-NUMBERED YEARS.

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

By Senators Garrou, Dalton and Hagan:

**S.B. 1134**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES TO THE BUDGET OPERATIONS OF THE STATE.

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

By Senators Garrou, Dalton and Hagan:

**S.B. 1135**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES TO THE BUDGET OPERATIONS OF THE STATE.

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

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By Senator Hunt:

**S.B. 1136**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE CITY OF DURHAM TO ADOPT ORDINANCES AND GUIDELINES CONCERNING PROTEST PETITIONS.

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

By Senator Albertson:

**S.B. 1137**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CURRENT FISCAL YEAR.

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

By Senators Nesbitt; Hartsell, Foxx and Kerr:

**S.B. 1138**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT.

Referred to the **Judiciary I Committee**.

By Senators Nesbitt; Hartsell, Foxx and Kerr:

**S.B. 1139**, A BILL TO BE ENTITLED AN ACT TO AMEND THE ADMINISTRATIVE PROCEDURE ACT TO CREATE A DISTINCTION BETWEEN THE STANDARD FOR REVIEW OF THE ADOPTION OF RULES AND THE STANDARD FOR REVIEW OF THE CONTENT OF RULES TO BE USED BY THE RULES REVIEW COMMISSION IN REVIEWING TEMPORARY AND PERMANENT RULES AND TO MAKE OTHER CONFORMING CHANGES.

Referred to the **Judiciary I Committee**.

By Senator Nesbitt:

**S.B. 1140**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF ASHEVILLE.

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

By Senator Nesbitt:

**S.B. 1141**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF ASHEVILLE.

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

By Senator Nesbitt:

**S.B. 1142**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BUNCOMBE.

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

By Senator Nesbitt:

**S.B. 1143**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BUNCOMBE.

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

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By Senators Thomas, Apodaca and Holloman; Albertson, Carpenter, Dalton, Dannelly, Dorsett, Foxx, Garrou, Hargett, Jenkins, Kerr, Lucas, Malone, Moore, Nesbitt, Purcell, Rand, Sloan, Smith, Swindell, Tillman, Weinstein and White:

**S.B. 1144**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE AN "IN GOD WE TRUST" SPECIAL REGISTRATION PLATE WITH THE PROCEEDS GOING TO THE AUBREY MCLELLAN SOLDIER AND AIRMAN ASSISTANCE FUND FOR FAMILIES OF DEPLOYED NORTH CAROLINA NATIONAL GUARDSMEN.

Referred to the **Finance Committee**.

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

**S.B. 1145**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES.

Referred to the **Finance Committee**.

By Senators Swindell, Allran, Dannelly, Moore and Queen; Bingham, Hargett, Holloman, Kerr, Kinnaird, Lucas, Malone, Purcell and Thomas:

**S.B. 1146**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON THE LONG-TERM CARE INSURANCE TAX CREDIT, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Finance Committee**.

By Senators Swindell, Allran, Dannelly, Moore and Queen; Bingham, Dalton, Hargett, Holloman, Kerr, Kinnaird, Lucas, Malone, Purcell and Thomas:

**S.B. 1147**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SENIOR CENTER DEVELOPMENT AND OUTREACH, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

By Senators Swindell, Allran, Dannelly, Moore and Queen; Bingham, Dalton, Hargett, Holloman, Kerr, Kinnaird, Lucas, Malone and Purcell:

**S.B. 1148**, A BILL TO BE ENTITLED AN ACT TO PROVIDE SUPPORT AND TRAINING FOR LONG-TERM CARE PROVIDERS CARING FOR RESIDENTS WITH MENTAL ILLNESSES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

By Senators Swindell, Allran, Dannelly, Moore and Queen; Bingham, Hargett, Holloman, Kerr, Lucas, Malone and Purcell:

**S.B. 1149**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS AND TO REQUIRE THE SOCIAL SERVICES COMMISSION TO ADOPT A RATE INCREASE FOR ADULT DAY SERVICES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

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By Senators Swindell, Allran, Dannelly, Moore and Queen; Bingham, Dalton, Hargett, Holloman, Kerr, Kinnaird, Lucas, Malone and Purcell:

**S.B. 1150**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES RELATED TO MENTALLY ILL RESIDENTS IN LONG-TERM CARE FACILITIES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

By Senators Swindell, Allran, Dannelly, Moore and Queen; Bingham, Dalton, Hargett, Holloman, Kerr, Kinnaird, Lucas, Malone and Purcell:

**S.B. 1151**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SENIOR ADULT HOUSING, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

By Senators Swindell, Allran, Dannelly, Moore and Queen; Bingham, Dalton, Hargett, Holloman, Kerr, Kinnaird, Lucas, Malone and Purcell:

**S.B. 1152**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON STATE GUARDIANSHIP LAWS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

By Senators Swindell, Allran, Dannelly, Moore and Queen; Bingham, Dalton, Hargett, Holloman, Kerr, Kinnaird, Lucas, Malone and Purcell:

**S.B. 1153**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE HOME AND COMMUNITY CARE BLOCK GRANT, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

By Senators Swindell, Allran, Dannelly, Moore and Queen; Bingham, Dalton, Hargett, Holloman, Kerr, Lucas, Malone and Purcell:

**S.B. 1154**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONTRACT WITH A THIRD PARTY TO STUDY WHETHER AN INSTITUTIONAL BIAS EXISTS IN THE STATE'S MEDICAID PROGRAM, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

By Senator Holloman:

**S.B. 1155**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO OFFSET MAINTENANCE OF PLANT COSTS AT ROANOKE-CHOWAN COMMUNITY COLLEGE.

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

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By Senator Holloman:

**S.B. 1156**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY FOR THE ROANOKE-CHOWAN DRUG TASK FORCE.

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

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 5:44 P.M.

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## ONE HUNDRED TWELFTH DAY

Senate Chamber  
Wednesday, May 19, 2004

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, I think most of us would be better off talking less and saying more. The budgeting of our words is extremely important. Like in economics, we tend to deflate the currency of our words by pronouncing more than we have meaning to cover.

"So help us to understand that if we want good friends and desire to be a good friend, we should listen more, speak less and just make ourselves available. Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, May 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. Lindsey L. White from Elizabeth City, 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.*

## ENROLLED BILLS

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

**S.B. 623**, AN ACT TO PROVIDE FOR A SPECIAL DEADLINE FOR EXEMPT ADULT HOUSING FACILITIES LOCATED IN A DOWNTOWN AREA AND BEING RELOCATED DUE TO A MAJOR ECONOMIC DEVELOPMENT PROJECT.

May 19, 2004

**H.B. 1411**, AN ACT TO DESIGNATE AS TEMPORARY UNVEGETATED BEACH AREAS CERTAIN OCEANFRONT AREAS ON HATTERAS ISLAND WHERE THE VEGETATION LINE WAS DESTROYED BY HURRICANE ISABEL AND THE REMNANTS OF THE VEGETATION LINE WERE BURIED BY THE CONSTRUCTION OF AN EMERGENCY BERM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

### CALENDAR

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

**S.B. 1098**, A BILL TO BE ENTITLED AN ACT TO IMPROVE HEALTH CARE BY AUTHORIZING SPECIAL INDEBTEDNESS TO FINANCE A CANCER TREATMENT CENTER AT THE UNIVERSITY OF NORTH CAROLINA HOSPITALS AT CHAPEL HILL AND A CARDIOVASCULAR DISEASES INSTITUTE AT EAST CAROLINA UNIVERSITY, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 47, 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, Garwood, Hargett, Hartsell, Holloman, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein and White—47.

Voting in the negative: Senator Horton—1.

The bill is ordered sent to the House of Representatives.

### ADDITIONAL SPONSORS

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

**S.B. 1151**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SENIOR ADULT HOUSING, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

**S.B. 1147**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SENIOR CENTER DEVELOPMENT AND OUTREACH, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

**S.B. 1102**, A BILL TO BE ENTITLED AN ACT REQUIRING JOB DEVELOPMENT INVESTMENT GRANT (JDIG) PROGRAM AGREEMENTS TO CONTAIN A PROVISION ENCOURAGING THE USE OF SMALL BUSINESSES HEADQUARTERED IN NORTH CAROLINA.

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Upon motion of Senator Basnight, seconded by Senator Dalton, the Senate adjourns subject to introduction of bills, to meet tomorrow, Thursday, May 20, 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 Senators Hargett; Dorsett, Kerr, Lucas, Moore and Thomas:

**S.B. 1157**, 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 the **Finance Committee**.

By Senators Hargett; Dorsett, Kerr, Lucas, Moore and Thomas:

**S.B. 1158**, A BILL TO BE ENTITLED AN ACT TO CREATE A MILITARY BASE LAND PRESERVATION FUND AND TO APPROPRIATE FUNDS TO PROTECT LANDS AROUND MILITARY BASES.

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

By Senators Hargett; Dorsett, Kerr, Lucas, Moore and Thomas:

**S.B. 1159**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS.

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

By Senators Hargett; Foxx, Kerr, Lucas, Moore and Thomas:

**S.B. 1160**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE IN-STATE TUITION FOR MEMBERS OF THE RESERVE COMPONENTS WHO ARE ASSIGNED TO UNITS LOCATED IN NORTH CAROLINA.

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

By Senators Hargett; Kerr, Lucas, Moore and Thomas:

**S.B. 1161**, A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY INSTALLATIONS TO GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY INSTALLATIONS.

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

By Senators Hargett; Albertson, Dorsett, Kerr, Lucas and Moore:

**S.B. 1162**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REINSTATE THE WIC FARMERS' MARKET PROGRAM IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

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

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By Senator Stevens:

**S.B. 1163**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RECIPROCITY BETWEEN THE OPTIONAL RETIREMENT PROGRAM FOR STATE INSTITUTIONS OF HIGHER EDUCATION AND THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

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

By Senators Hoyle; Dannelly, Dorsett, Kerr, Lucas and Thomas:

**S.B. 1164**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FEDERAL FUNDS UNDER THE TANF BLOCK GRANT FOR BOYS AND GIRLS CLUBS.

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

By Senator Hartsell:

**S.B. 1165**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 36TH SENATORIAL DISTRICT.

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

By Senator Hartsell:

**S.B. 1166**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CABARRUS.

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

By Senator Hartsell:

**S.B. 1167**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAWS ON THE POWERS OF CONDOMINIUM UNIT OWNERS' ASSOCIATIONS AND PLANNED COMMUNITY OWNERS' ASSOCIATIONS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

By Senator Hagan:

**S.B. 1168**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE FUNDING OF THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC.

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

By Senator Dalton:

**S.B. 1169**, A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM.

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

By Senators Rand; Albertson, Apodaca, Bingham, Dalton, Dorsett, Garrou, Holloman, Hoyle, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Purcell, Queen, Reeves, Swindell and Thomas:

**S.B. 1170**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE KIDS VOTING NORTH CAROLINA PROGRAM.

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

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

**S.B. 1171**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS; TO ALLOW THE SECRETARY OF REVENUE TO APPOINT EMPLOYEES OF THE MOTOR FUELS TAX DIVISION AS REVENUE LAW ENFORCEMENT OFFICERS; AND TO TRANSFER THE AUDIT FUNCTIONS FOR THE INTERNATIONAL REGISTRATION PLAN TO THE DEPARTMENT OF REVENUE FROM THE DIVISION OF MOTOR VEHICLES.

Referred to the **Finance Committee**.

By Senator Hartsell:

**S.B. 1172**, A BILL TO BE ENTITLED AN ACT TO BAN PIGEON SHOTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

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

By Senator Hartsell:

**S.B. 1173**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CABARRUS MEMORIAL HOSPITAL MAY AWARD ADVANCED DEGREES TO GRADUATES OF ITS NURSING AND ALLIED HEALTH SCIENCES PROGRAMS AS APPROPRIATE.

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

By Senator Jenkins:

**S.B. 1174**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE REMOVAL OF DEBRIS THAT WAS CAUSED BY HURRICANE ISABEL AND THAT IS BLOCKING STREAMS IN NORTHEASTERN NORTH CAROLINA.

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

By Senators Jenkins; and Thomas:

**S.B. 1175**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR SMALL URBAN CONTINGENCY FUNDS.

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

By Senator Jenkins:

**S.B. 1176**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE WINDOWS ON THE WORLD TECHNOLOGY CENTER.

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

By Senator Tillman:

**S.B. 1177**, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE CITY OF RANDLEMAN.

Referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:20 P.M.

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May 19, 2004

**ONE HUNDRED THIRTEENTH DAY**

Senate Chamber  
Thursday, May 20, 2004

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, thank you for the evening rain that refreshed much of our State yesterday.

"We pray that Your spirit will refresh each of us today for the tasks and opportunities You have set before us.

"You will supply our every resource when we put You first in all that we say and do.

"In Your holy name we pray, Amen."

The Chair grants leaves of absence for today to Senator Berger, Senator Carrington, Senator Hagan, Senator Rucho and Senator Smith.

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

*The President of the Senate extends courtesies of the floor to Dr. Katherine P. Grichni from Durham, North Carolina, who is serving the Senate as Doctor of the Day, and to Elizabeth Newton from Winston Salem, North Carolina, who is serving the Senate as Nurse of the Day.*

**PRIVILEGES OF THE FLOOR**

Upon motion of Senator Garrou, the President extends privileges of the floor to Kirsten Elrod, Miss Hickory/Carolina Foothills, and Kendria Perry, Miss Forsyth County, students at the North Carolina School of the Arts and who will both be competing for the Miss North Carolina crown in June.

Upon motion of Senator Dannelly, seconded by Senator Nesbitt, the Senate adjourns subject to introduction of bills, to meet Monday, May 24, 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 Senator Garwood:

**S.B. 1178, A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN WILKES COUNTY.**

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

May 20, 2004



By Senator Queen:

**S.J.R. 1179**, A JOINT RESOLUTION HONORING THE PENLAND SCHOOL OF CRAFTS ON ITS 75TH ANNIVERSARY AND THE MEMORY OF LUCY MORGAN, THE FOUNDER OF THE PENLAND SCHOOL OF CRAFTS.

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

By Senator Queen:

**S.B. 1180**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO NORTH CAROLINA REAL ENTERPRISES, INC., TO DEVELOP AND IMPLEMENT ENTREPRENEURIAL EDUCATION PROGRAMS AND PROVIDE SUPPORT TO ENTREPRENEURS.

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

By Senator Foxx:

**S.B. 1181**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE ALLEGHANY OCCUPANCY TAX.

Referred to the **Finance Committee**.

By Senator Weinstein:

**S.B. 1182**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF RAEFORD.

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

By Senator Weinstein:

**S.B. 1183**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF LUMBERTON.

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

By Senator Weinstein:

**S.B. 1184**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROBESON AND THE MUNICIPALITIES LOCATED IN THAT COUNTY.

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

By Senator Weinstein:

**S.B. 1185**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROBESON AND THE MUNICIPALITIES LOCATED IN THAT COUNTY.

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

By Senator Weinstein:

**S.B. 1186**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HOKE AND THE MUNICIPALITIES LOCATED IN THAT COUNTY.

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

By Senator Weinstein:

**S.B. 1187**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HOKE AND THE MUNICIPALITIES LOCATED IN THAT COUNTY.

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

May 20, 2004

By Senators Rand; and Dannelly:

**S.B. 1188**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL TO CONTINUE TO OPERATE THE HORACE WILLIAMS AIRPORT.

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

By Senator Soles:

**S.B. 1189**, A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF CHADBOURN TO EXTEND ITS EXTRATERRITORIAL PLANNING JURISDICTION UP TO TWO MILES OUTSIDE ITS CORPORATE LIMITS.

Referred to the **Finance Committee**.

By Senators Soles; Brock, Foxx and Sloan:

**S.B. 1190**, A BILL TO BE ENTITLED AN ACT TO MAKE THE OFFENSE OF SIMPLE ASSAULT OR AFFRAY ON A LAW ENFORCEMENT OFFICER, FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN, MEDICAL RESPONDER, EMERGENCY DEPARTMENT NURSE, OR EMERGENCY DEPARTMENT PHYSICIAN A FELONY OFFENSE RATHER THAN A MISDEMEANOR OFFENSE AND TO INCREASE THE PENALTY FOR AN ASSAULT THAT INFLECTS SERIOUS BODILY INJURY OR ASSAULT WITH A DEADLY WEAPON ON EMERGENCY PERSONNEL.

Referred to the **Judiciary I Committee**.

By Senator Soles:

**S.B. 1191**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COLUMBUS COUNTY PRISON BE CONSTRUCTED IN ACCORDANCE WITH THE SAME NORTH CAROLINA STATE BUILDING CODE UNDER WHICH THE PRISONS IN SCOTLAND, ANSON, ALEXANDER, GREENE, AND BERTIE COUNTIES WERE CONSTRUCTED.

Referred to the **Commerce Committee**.

By Senator Soles:

**S.B. 1192**, A BILL TO BE ENTITLED AN ACT TO REQUIRE TRANSFERORS OF MOTOR VEHICLES TO DISCLOSE TO TRANSFEREES THAT THE VEHICLE HAS BEEN DECLARED A TOTAL LOSS BY AN INSURANCE COMPANY, TO DELETE THE REQUIREMENT THAT A "TOTAL LOSS CLAIM" NOTATION BE PUT ON THE TITLE AND REGISTRATION CARD, TO REQUIRE INSURANCE COMPANIES TO INSERT A PERMANENT MARKER INTO THE DOORJAMB OF A VEHICLE WHEN IT HAS PAID A CLAIM EXCEEDING TWENTY-FIVE PERCENT OF THE VEHICLE'S RETAIL VALUE, AND TO APPROPRIATE FUNDS TO IMPLEMENT THE PROVISIONS OF THIS ACT.

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

By Senators Dorsett and Hagan; and Bingham:

**S.B. 1193**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF HIGH POINT.

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

May 20, 2004

By Senators Dorsett and Hagan; Berger and Bingham:

**S.B. 1194**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GUILFORD.

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

By Senator Shaw:

**S.B. 1195**, 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, TO BEGIN THE FIRST PHASE OF ESTABLISHING A SCHOOL OF ENGINEERING AT FAYETTEVILLE STATE UNIVERSITY, AND TO APPROPRIATE FUNDS TO ASSIST WITH THE COST OF THE FEASIBILITY STUDY.

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

By Senators Kinnaird; Clodfelter, Dannelly, Dorsett, Garrou, Hartsell, Hunt, Lucas, Malone, Purcell, Rand, Reeves, Shaw and Soles:

**S.B. 1196**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO THE CONVICTION AND SENTENCING OF YOUTHFUL OFFENDERS AND TO APPROPRIATE FUNDS.

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

By Senators Kinnaird; Hartsell, Hunt, Lucas, Rand, Reeves, Thomas and Weinstein:

**S.J.R. 1197**, A JOINT RESOLUTION TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE TRAFFICKING OF PERSONS AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH.

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

By Senator Horton:

**S.B. 1198**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE SCIENCE CENTER AND ENVIRONMENTAL PARK OF FORSYTH COUNTY.

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

By Senator Horton:

**S.B. 1199**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CURRENT FISCAL YEAR.

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

By Senator Horton:

**S.B. 1200**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF FORSYTH.

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

May 20, 2004

By Senator Weinstein:

**S.B. 1201**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING AND FISHING FROM THE RIGHT-OF-WAY IN ROBESON COUNTY.

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

By Senator Soles:

**S.B. 1202**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A SEPTIC TANK SYSTEM THAT IS FOR A LOT PLATTED PRIOR TO JULY 1, 1977, AND THAT IS OPERATED IN SOILS THAT ARE IN SOIL GROUP 1 MAY BE LOCATED TEN FEET OR MORE FROM ANY OTHER SEPTIC TANK SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Hagan, Dalton, Garrou and Malone:

**S.B. 1203**, A BILL TO BE ENTITLED AN ACT TO RECODIFY MANY OF THE PROVISIONS OF THE EXECUTIVE BUDGET ACT AND THE CAPITAL IMPROVEMENT PLANNING ACT INTO A STATE BUDGET ACT THAT REVISES AND CLARIFIES THE PROCEDURES FOR PREPARING, ENACTING, AND ADMINISTERING THE STATE BUDGET AND TO MAKE CONFORMING CHANGES AS RECOMMENDED BY THE JOINT COMMITTEE ON EXECUTIVE BUDGET ACT REVISIONS.

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

By Senators Dalton; Brock, Garwood, Queen, Sloan and Thomas:

**S.B. 1204**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE TO COMBAT THE MANUFACTURE OF METHAMPHETAMINE.

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

By Senator Dalton:

**S.B. 1205**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 46TH SENATORIAL DISTRICT.

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

By Senator Dalton:

**S.B. 1206**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 46TH SENATORIAL DISTRICT.

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

By Senator Moore:

**S.B. 1207**, A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN PITT COUNTY.

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

May 20, 2004

By Senator Moore:

**S.B. 1208**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT WILSON COUNTY MAY REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE THE RECORDATION OF DEEDS CONVEYING PROPERTY.

Referred to the **Finance Committee**.

By Senator Lucas:

**S.B. 1209**, A BILL TO BE ENTITLED AN ACT MAKING A TECHNICAL CORRECTION TO THE AUTHORITY OF THE DURHAM CITY HOUSING APPEALS BOARD TO HEAR APPEALS.

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

By Senators Clodfelter, Albertson, Dorsett and Kinnaird; Hartsell, Hunt, Lucas and Moore:

**S.B. 1210**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IMPLEMENTATION OF FEDERAL PHASE II STORMWATER MANAGEMENT REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Clodfelter, Albertson; and Hartsell:

**S.B. 1211**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IMPLEMENTATION OF FEDERAL PHASE II STORMWATER MANAGEMENT REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senator Jenkins:

**S.B. 1212**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ISSUE "GARVEE" GRANT ANTICIPATION REVENUE VEHICLE BONDS AND TO DIRECT THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION AND THE STATE TREASURER TO DEVELOP AN IMPLEMENTATION PLAN FOR ISSUANCE OF THE BONDS.

Referred to the **Finance Committee**.

By Senators Dannelly, Apodaca, Berger, Blake, Pittenger, Smith, Thomas; and White:

**S.B. 1213**, A BILL TO BE ENTITLED AN ACT TO REDUCE THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN AFTER AUGUST 25 AND CLOSE NOT AFTER JUNE 10, EXCEPT IN UNUSUAL CIRCUMSTANCES OR IN YEAR-ROUND SCHOOLS; TO ENSURE THAT TEACHERS MAY BE PAID IN AUGUST IF THEY SO DESIRE; AND TO PROVIDE THAT SALARIES NOT DECREASE AS A RESULT OF THE REDUCTION IN TEACHER WORKDAYS.

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

May 20, 2004

By Senator Clodfelter:

**S.B. 1214**, A BILL TO BE ENTITLED AN ACT TO RECODIFY THE CREDIT FOR CERTAIN REAL PROPERTY DONATIONS AND TO INCREASE THE CREDIT FOR CERTAIN PASS-THROUGH ENTITIES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to the **Finance Committee**.

By Senators Purcell; Allran, Bingham, Dannelly and Lucas:

**S.B. 1215**, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE CHILDREN'S TRUST FUND AND RESPONSIBILITY FOR AWARDING GRANTS FOR CHILD ABUSE AND NEGLECT PREVENTION PROGRAMS FROM THE DEPARTMENT OF PUBLIC INSTRUCTION TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AS RECOMMENDED BY THE HOUSE INTERIM COMMITTEE ON CHILD ABUSE AND NEGLECT, FOSTER CARE, AND ADOPTION.

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

By Senators Purcell; Bingham, Allran, Dorsett, Lucas and Dannelly:

**S.B. 1216**, A BILL TO BE ENTITLED AN ACT TO RECOMMEND FURTHER CONSIDERATION AND STUDY OF ISSUES RELATING TO THE PROVISION OF CHILD PROTECTIVE SERVICES AS RECOMMENDED BY THE HOUSE INTERIM COMMITTEE ON CHILD ABUSE AND NEGLECT, FOSTER CARE, AND ADOPTION.

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

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

**S.B. 1217**, 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 ASSETS NOT INDIRECTLY OWNED BY CORPORATIONS.

Referred to the **Finance Committee**.

By Senators Purcell; Allran, Bingham, Dannelly, Dorsett and Lucas:

**S.B. 1218**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CHILD RESTRAINT SYSTEM REQUIREMENTS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

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

By Senator Clodfelter:

**S.B. 1219**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERCENTAGE OF REVENUE CREDITED TO THE DRY-CLEANING SOLVENT CLEANUP FUND THAT MAY BE USED TO PAY COSTS OF ASSESSMENT OR REMEDIATION OF DRY-CLEANING SOLVENT CONTAMINATION THAT OCCURRED PRIOR TO 1 JULY 2001, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to the **Finance Committee**.

May 20, 2004

By Senator Clodfelter:

**S.B. 1220**, A BILL TO BE ENTITLED AN ACT TO IMPROVE AND ACCELERATE PROCESSING OF CLAIMS UNDER THE LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senator Clodfelter:

**S.B. 1221**, A BILL TO BE ENTITLED AN ACT TO PROMOTE WATER CONSERVATION IN MULTIFAMILY RESIDENTIAL PROPERTIES BY AMENDING VARIOUS STATE LAWS REGARDING THE USE OF SUBMETERS IN CONSECUTIVE WATER SYSTEMS IN LIGHT OF CHANGES IN POLICY RELATED TO WATER TESTING REQUIREMENTS AND WATER CONSERVATION BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senator Clodfelter:

**S.B. 1222**, A BILL TO BE ENTITLED AN ACT TO PROMOTE ECONOMIC DEVELOPMENT BY FACILITATING THE REUSE OF CONTAMINATED REAL PROPERTY BY LIMITING THE LIABILITY OF PURCHASERS OF CONTAMINATED PROPERTY IN CIRCUMSTANCES WHERE THE SELLER OF THE PROPERTY OR ANOTHER PARTY ASSUMES RESPONSIBILITY FOR RESPONSE, REMEDIATION, AND NATURAL RESOURCES RESTORATION OF THE PROPERTY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to the **Judiciary I Committee**.

By Senators Hoyle, Apodaca, Garwood, Hagan, Hargett, Malone, Smith, Swindell and Thomas:

**S.B. 1223**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION.

Referred to the **Commerce Committee**.

By Senators Horton; and Stevens:

**S.B. 1224**, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE AND TO DELETE A PORTION OF A PARK FROM THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senator Hartsell:

**S.B. 1225**, 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**.

May 20, 2004

By Senators Swindell, Dannelly, Garwood, Hartsell, Lucas, Malone, Stevens; Moore and Tillman:

**S.B. 1226**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO AUTHORIZE THE STATE BOARD OF EDUCATION TO DETERMINE WHICH APPLICANTS FOR TEACHING POSITIONS ARE REQUIRED TO DEMONSTRATE PREPARATION ON A STANDARD EXAMINATION.

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

By Senators Swindell, Dannelly, Garwood, Hartsell, Lucas, Thomas, Apodaca, Dorsett, Malone, Stevens; Foxx, Moore, Sloan, Brock and Tillman:

**S.B. 1227**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO MODIFY AND EXTEND THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS.

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

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 10:45 A.M.

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## ONE HUNDRED FOURTEENTH DAY

Senate Chamber  
Monday, May 24, 2004

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, scattered on the members' desks at the beginning of this week are reminders of good causes, calls to return, letters to write, meetings to attend, people to see and prayers to pray.

"There are more than enough good causes to go around.

"So help the men and women choose well and wisely how to spend their time and their talents. In Your name we pray. Amen."

The Chair grants leaves of absence for tonight to Senator Carrington and Senator Holloman.

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

May 24, 2004



*The President of the Senate extends courtesies of the floor to Dr. Ronald P. Olson from Durham, North Carolina, who is serving the Senate as Doctor of the Day, and to Kim Orwoll from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.*

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

**H.B. 1401**, A BILL TO BE ENTITLED AN ACT TO PERMIT THE COUNTY OF WILKES TO ACQUIRE PROPERTY AND CONVEY IT TO THE STATE FOR USE AS A VISITORS' CENTER/REST AREA.

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

#### EXECUTIVE ORDER

An Executive Order received is presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows (*See Appendix*):

**Executive Order Number 58**, Extending Executive Order Numbers 48 and 12.

#### WITHDRAWAL FROM COMMITTEE

**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 the **Judiciary I Committee** on April 14, 2003.

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 **Commerce 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 **Commerce Committee**.

#### SENATE PAGES

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

Matthew Hoyle Beam, Cherryville; Kristen Bost, Gastonia; Elizabeth Bowen, Gastonia; Mett S. Carroll III, Sugar Land, Texas; Shannon Hayes Church, Wilkesboro; Ryan Patrick Davis, Cherryville; Whitney Bruce Fliehm, Stoneville; Kathryn Griffith, Asheboro; David William Hoyle, Dallas; Aidan Hysjulien, Durham; Michael Ward Jolly, Jr., Fleetwood; Alexandra Harbin Kessell, Gastonia; Zachary Love, Gastonia; Amber Madeline Moss, Raeford; Katherine Gray Nelli, Gastonia; Mary Grace Owen, Gastonia; Phillip R. Owens, Raeford; Emily Savage, Gastonia; Robert Lee Spencer III, Gastonia; Edgar Turner Vaughn, Gastonia; and Meredith Wilson, Gastonia.

May 24, 2004

Upon motion of Senator Basnight, seconded by Senator Hoyle, the Senate adjourns subject to introduction of bills, to meet tomorrow, Tuesday, May 25, 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 Kerr:

**S.B. 1228**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

By Senator Kerr:

**S.B. 1229**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR FAMILIES OF DEPLOYED NATIONAL GUARD MEMBERS.

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

By Senator Kerr:

**S.B. 1230**, A BILL TO BE ENTITLED AN ACT TO AMEND THE FINANCE LAWS AFFECTING THE BUDGET FOR 2004-2005.

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

By Senator Kerr:

**S.B. 1231**, A BILL TO BE ENTITLED AN ACT TO AMEND THE FINANCE LAWS AFFECTING THE BUDGET FOR 2004-2005.

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

By Senator Jenkins:

**S.J.R. 1232**, A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO REQUIRE APPROVAL OF THE COUNCIL OF STATE BEFORE EXCLUSIVE FEDERAL JURISDICTION IS GRANTED.

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

By Senator Blake:

**S.B. 1233**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF PINEBLUFF TO CONVEY TO ADJACENT PROPERTY OWNERS TROLLEY EASEMENTS AT PRIVATE NEGOTIATED SALE.

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

By Senators Stevens; Carrington, Malone and Reeves:

**S.B. 1234**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A FAMILY COURT PILOT PROGRAM IN DISTRICT COURT DISTRICT 10.

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

May 24, 2004

By Senators Hunt; and Lucas:

**S.B. 1235**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONTINUE THE FUNDING OF THE FAMILY DRUG TREATMENT COURT IN DISTRICT COURT DISTRICT 14.

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

By Senator Weinstein:

**S.B. 1236**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ESTABLISHMENT OF THE SOUTHEASTERN NORTH CAROLINA AGRICULTURAL CENTER AND HORSE ARENA IN ROBESON COUNTY.

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

By Senator Smith:

**S.B. 1237**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 12TH SENATORIAL DISTRICT.

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

By Senators Stevens; and Malone:

**S.B. 1238**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF GARNER 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 the **State Government, Local Government, and Veterans' Affairs Committee**.

By Senators Swindell; and Jenkins:

**S.B. 1239**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXTEND ADVANCED EDUCATIONAL OPPORTUNITIES TO EASTERN NORTH CAROLINA THROUGH THE GATEWAY TECHNOLOGY CENTER.

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

By Senators Reeves; Foxx, Kerr and Malone:

**S.B. 1240**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO PROVIDE TO PUBLIC SCHOOL PERSONNEL AND TO STATE EMPLOYEES A LEGISLATIVE PAY INCREASE OF FIVE PERCENT AND ESTABLISHING A MINIMUM LIVING WAGE FOR STATE-FUNDED EMPLOYEES.

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

By Senator Smith:

**S.B. 1241**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 12TH SENATORIAL DISTRICT.

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

By Senators Foxx; Allran, Berger, Brock, Carpenter, Forrester, Moore, Pittenger, Shubert and Sloan:

May 24, 2004

**S.B. 1242**, A BILL TO BE ENTITLED AN ACT TO REQUIRE DOCUMENTATION WHEN AN EMPLOYEE CLAIMS MORE THAN FOUR WITHHOLDING EXEMPTIONS AND TO MODIFY THE PENALTY FOR CLAIMING EXCESSIVE WITHHOLDING EXEMPTIONS.

Referred to the **Finance Committee**.

By Senator Garrou:

**S.B. 1243**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO WINSTON-SALEM DELTA FINE ARTS, INC.

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

By Senator Hoyle:

**S.B. 1244**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA CEMETERY COMMISSION TO INCREASE CERTAIN FEES AND MAKING CLARIFYING CHANGES UNDER THE NORTH CAROLINA CEMETERY ACT.

Referred to the **Finance Committee**.

By Senator Hoyle:

**S.B. 1245**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE HOSIERY TECHNOLOGY CENTER.

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

By Senator Horton:

**S.B. 1246**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CURRENT FISCAL YEAR.

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

By Senators Reeves; Malone and Stevens:

**S.B. 1247**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO WAKEMED HEALTH & HOSPITALS, A NONPROFIT CORPORATION, TO ASSIGN IN THE FORMATION OF THE EMERGENCY SERVICES INSTITUTE, A HOSPITAL-BASED, MEDICAL EMERGENCY PREPAREDNESS AND RESPONSE INSTITUTE.

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

By Senators Reeves; Malone and Stevens:

**S.B. 1248**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF RALEIGH AND THE STATE PROPERTY OFFICE TO DEVELOP A MASTER PLAN FOR THE DOROTHEA DIX PROPERTY, TO AUTHORIZE THE DOROTHEA DIX PROPERTY STUDY COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS REGARDING THE PROPOSED MASTER PLAN, AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

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

May 24, 2004

By Senators Kinnaird; Queen and Malone:

**S.B. 1249**, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE LAW CLARIFYING THE STATUS OF TEACHERS PARTICIPATING IN FOREIGN EXCHANGE PROGRAMS FOR PURPOSES OF RETIREMENT AND TENURE.

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

By Senators Dorsett, Hagan; Berger and Bingham:

**S.B. 1250**, A BILL TO BE ENTITLED AN ACT TO AMEND THE GREENSBORO CITY CHARTER SO THE CITY CAN FOLLOW THE GENERAL LAW ON NOTICE OF ADOPTION OF ORDINANCES.

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

By Senators Dorsett, Hagan; Berger and Bingham:

**S.B. 1251**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF GREENSBORO.

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

By Senators Dorsett, Hagan; Berger and Bingham:

**S.B. 1252**, A BILL TO BE ENTITLED AN ACT TO AMEND THE GREENSBORO CITY CHARTER TO INCREASE THE AUTHORITY OF THE CITY MANAGER TO SETTLE CLAIMS AGAINST THE CITY FROM FIFTY THOUSAND DOLLARS TO THREE HUNDRED THOUSAND DOLLARS.

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

By Senator Allran:

**S.B. 1253**, A BILL TO BE ENTITLED AN ACT TO ADOPT A PROVISION ALLOWED UNDER THE STREAMLINED SALES TAX AGREEMENT THAT TREATS ALL PRINTERS EQUALLY.

Referred to the **Finance Committee**.

By Senators Purcell; Bingham, Dannelly and Lucas:

**S.B. 1254**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE CRIMINAL RECORD CHECKS TO THE RESPIRATORY CARE BOARD FOR APPLICANTS FOR LICENSURE AND TO CHARGE A FEE FOR CONDUCTING THE CHECKS.

Referred to the **Finance Committee**.

By Senators Purcell; Allran, Dorsett, Lucas, Bingham and Dannelly:

**S.B. 1255**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PURPOSE OF CHILD PROTECTIVE SERVICES AND CHILD ABUSE PREVENTION.

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

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By Senators Purcell; Bingham, Dannelly Foxx, Lucas and Queen:

**S.B. 1256**, A SENATE RESOLUTION TO URGE CONGRESS TO CONSIDER AMENDING FEDERAL LAW TO PERMIT CHILD PROTECTIVE SERVICES WORKERS TO OBTAIN FEDERAL CRIMINAL HISTORIES WHEN INVESTIGATING ALLEGATIONS OF CHILD ABUSE AND NEGLECT.

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

By Senators Purcell; Dannelly, Bingham and Lucas:

**S.B. 1257**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CHILD WELFARE COLLABORATIVE.

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

By Senator Purcell:

**S.B. 1258**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A NEW MAGISTRATE POSITION FOR STANLY COUNTY.

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

By Senators Purcell; Bingham, Dannelly and Lucas:

**S.B. 1259**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CHILD CARE SUBSIDIES.

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

By Senator Hartsell:

**S.B. 1260**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROWAN.

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

By Senator Hartsell:

**S.B. 1261**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CABARRUS.

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

By Senator Hartsell:

**S.B. 1262**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 36TH SENATORIAL DISTRICT.

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

By Senator Clodfelter:

**S.B. 1263**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE BUILDING CODE COUNCIL TO TAKE NECESSARY STEPS TO AMEND THE STATE BUILDING CODE TO CROSS-REFERENCE ALL ADDITIONAL REQUIREMENTS IMPOSED BY OCCUPATIONAL LICENSING BOARDS, COMMISSIONS, OR OTHER AGENCIES OF THE STATE AND TO APPROPRIATE FUNDS.

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

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By Senators Clodfelter, Dannelly, Pittenger and Rucho:

**S.B. 1264**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING THE CHARLOTTE REGIONAL VISITORS AUTHORITY.

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

By Senator Kinnaird:

**S.B. 1265**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT ALL CAMPUS RESIDENCES IN ORANGE COUNTY FOR EACH UNIVERSITY OF NORTH CAROLINA SYSTEM CAMPUS BE IN ONE PRECINCT.

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

By Senators Kinnaird; Bingham, Dorsett, Garwood, Hartsell, Holloman, Jenkins, Lucas, Rand, Reeves and Weinstein:

**S.B. 1266**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO OUR CHILDREN'S PLACE, A NONPROFIT ORGANIZATION THAT PROVIDES SERVICES FOR CERTAIN INCARCERATED MOTHERS AND THEIR AT-RISK CHILDREN.

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

By Senators Kinnaird; Clodfelter, Lucas and Reeves:

**S.B. 1267**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXCISE TAX ON CIGARETTES AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH AND TO MAKE OTHER TECHNICAL CORRECTIONS.

Referred to the **Finance Committee**.

By Senators Kinnaird; Clodfelter, Dorsett, Hartsell, Lucas, Nesbitt and Reeves:

**S.B. 1268**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY LICENSING PRACTITIONERS OF NATUROPATHY IN NORTH CAROLINA.

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

By Senators Kinnaird; Bingham, Dorsett, Clodfelter, Albertson, Reeves, Lucas, Hartsell and Garwood:

**S.B. 1269**, A BILL TO BE ENTITLED AN ACT TO REQUIRE HOLDERS OF CERTAIN ABC PERMITS TO RECYCLE ALL RECYCLABLE BEVERAGE CONTAINERS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Kinnaird; Bingham, Clodfelter, Dorsett, Garwood and Lucas:

**S.B. 1270**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF THE LOWER HAW RIVER STATE NATURAL AREA TO THE

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STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Holloman; Hunt, Queen and Reeves:

**S.B. 1271**, 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 AND TO PROVIDE IMMEDIATE RELIEF FOR TIER ONE COUNTIES.

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

By Senators Holloman; Albertson, Hunt, Queen and Reeves:

**S.B. 1272**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY FOR THE DRUG INVESTIGATION UNIT OF NORTHAMPTON COUNTY.

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

By Senator Berger:

**S.B. 1273**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROCKINGHAM.

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

By Senator Berger:

**S.B. 1274**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROCKINGHAM.

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

By Senator Berger:

**S.B. 1275**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GUILFORD.

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

By Senator Berger:

**S.B. 1276**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GUILFORD.

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

By Senator Berger:

**S.B. 1277**, A BILL TO BE ENTITLED AN ACT PROVIDING FOR STAGGERED TERMS FOR THE TOWN BOARD OF THE TOWN OF MADISON.

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

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

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**S.B. 1278**, A BILL TO BE ENTITLED AN ACT TO CAP THE VARIABLE WHOLESale COMPONENT OF THE MOTOR FUELS TAX RATE AT ITS CURRENT RATE.

Referred to the **Finance Committee**.

By Senator Berger:

**S.B. 1279**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ROCKINGHAM COUNTY BOARD OF COMMISSIONERS TO CONTRACT WITH BOTH THE TOWN OF MAYODAN FIRE DEPARTMENT AND THE TOWN OF MADISON FIRE DEPARTMENT TO PROVIDE FIRE PROTECTION SERVICES IN THE M & M FIRE DISTRICT.

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

By Senator Rand:

**S.B. 1280**, A BILL TO BE ENTITLED AN ACT THAT CHANGES THE LAWS APPLICABLE TO BLADEN COUNTY.

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

By Senator Rand:

**S.B. 1281**, A BILL TO BE ENTITLED AN ACT THAT CHANGES THE LAWS APPLICABLE TO CUMBERLAND COUNTY.

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

By Senator Rand:

**S.B. 1282**, A BILL TO BE ENTITLED AN ACT THAT CHANGES THE LAWS APPLICABLE TO MUNICIPALITIES OF THE 19TH SENATORIAL DISTRICT.

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

By Senator Rand:

**S.B. 1283**, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES.

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

By Senator Rand:

**S.B. 1284**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2004-2005 FISCAL YEAR.

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

By Senator Rand:

**S.B. 1285**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 2004-2005 FISCAL YEAR.

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

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By Senator Rand:

**S.B. 1286**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELIZABETHTOWN.

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

By Senator Rand:

**S.B. 1287**, A BILL TO BE ENTITLED AN ACT THAT CHANGES THE LAWS APPLICABLE TO MUNICIPALITIES OF THE 19TH SENATORIAL DISTRICT.

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

By Senator Sloan:

**S.B. 1288**, A BILL TO BE ENTITLED AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY.

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

By Senators Pittenger; Apodaca, Berger, Garwood, Forrester, Hargett, Hoyle, Brock, Tillman, Blake, Allran, Moore, Weinstein, Horton, Hartsell, Foxx, White, Webster, Shubert, Carpenter, Carrington, Smith, Sloan and Bingham:

**S.B. 1289**, A BILL TO BE ENTITLED AN ACT TO REDUCE THE CORPORATE AND PERSONAL INCOME TAX, CUT GOVERNMENT SPENDING, AND REDUCE MEDICAID FRAUD.

Referred to the **Finance Committee**.

By Senators Nesbitt; Dannelly, Hargett, Purcell and Queen:

**S.B. 1290**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TRUST FUND FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES AND BRIDGE FUNDING NEEDS FOR ONETIME EXPENDITURES BY AREA AND COUNTY PROGRAMS TO BUILD COMMUNITY CAPACITY.

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

By Senators Nesbitt; Dannelly, Weinstein, Hargett, Purcell, Rand, Kinnaird and Holloman:

**S.B. 1291**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR EQUALIZING STATE FUNDING AMONG AREA AND COUNTY PROGRAMS.

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

By Senators Dorsett, Hagan; Berger and Bingham:

**S.B. 1292**, 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 the **Appropriations/Base Budget Committee**.

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By Senator Soles:

**S.B. 1293**, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE TOWN OF LELAND.

Referred to the **Finance Committee**.

By Senator Soles:

**S.B. 1294**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FUNDING OF THE COLUMBUS COUNTY VISITOR CENTER FROM THE SPECIAL REGISTRATION PLATE ACCOUNT.

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

By Senator Thomas:

**S.B. 1295**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF HAVELOCK TO ASSIST IN THE CONSTRUCTION OF A SENIOR CITIZENS CENTER.

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

By Senators Thomas; and Rand:

**S.B. 1296**, 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 the **Appropriations/Base Budget Committee**.

By Senator Thomas:

**S.B. 1297**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 2ND SENATORIAL DISTRICT.

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

By Senator Thomas:

**S.B. 1298**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 2ND SENATORIAL DISTRICT.

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

By Senator Kerr:

**S.B. 1299**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

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

By Senators Albertson; Allran, Hoyle, Jenkins, Shubert, Blake, Clodfelter, Webster, Queen, Weinstein, Garrou, Hunt, Tillman, Stevens, Reeves, Lucas, Bingham, Dorsett, Carpenter, Hargett, Malone, Sloan, Apodaca, Forrester, Nesbitt, Purcell, Kerr, Holloman, Garwood, Foxx, Soles, Brock, Dannelly, Hartsell, Horton and Rand:

**S.B. 1300**, 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 the **Appropriations/Base Budget Committee**.

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By Senators Albertson; Carpenter, Dorsett, Kinnaird and Weinstein:

**S.B. 1301**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT REQUIREMENTS APPLICABLE TO NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND ANIMAL WASTE MANAGEMENT PLANS GOVERNING ANIMAL FEEDING OPERATIONS TO MAKE THE STATE PERMIT REQUIREMENTS CONSISTENT WITH FEDERAL REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Albertson; Dorsett and Kinnaird:

**S.B. 1302**, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, PUBLIC HEALTH, AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Albertson; Dorsett and Kinnaird:

**S.B. 1303**, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:49 P.M.

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## ONE HUNDRED FIFTEENTH DAY

Senate Chamber  
Tuesday, May 25, 2004

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, we try to live lives that are worthy in Your sight. But we know it is impossible to please everyone, even when we are doing our best and especially when we are doing what we believe to be right.

"While we want the approval of others, may we seek first Your approval. More important than a pat on the back from our friends is Your affirmation, 'Well done, good and faithful servant.' Amen."

May 25, 2004

The Chair grants leaves of absence for today to Senator Pittenger and Senator Sloan.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, May 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. Douglas C. Keith from Garner, North Carolina, who is serving the Senate as Doctor of the Day, and to Lindsay Allen from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.*

#### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

**S.B. 1060**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with a favorable report.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Thursday, May 27.

**S.B. 1063**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS, with a favorable report.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Thursday, May 27.

**S.B. 1096**, A BILL TO BE ENTITLED AN ACT TO ADJUST THE BOUNDARIES BETWEEN THE CITIES OF CONCORD AND KANNAPOLIS AS MUTUALLY AGREED UPON, with a favorable report.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Thursday, May 27.

**S.B. 1177**, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE CITY OF RANDLEMAN, with a favorable report.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Thursday, May 27.

**S.B. 1189**, A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF CHADBOURN TO EXTEND ITS EXTRATERRITORIAL PLANNING JURISDICTION UP TO TWO MILES OUTSIDE ITS CORPORATE LIMITS, with a favorable report.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Thursday, May 27.

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**S.B. 1093**, A BILL TO BE ENTITLED AN ACT TO ADD EDGECOMBE COUNTY TO THOSE COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75319, which changes the title to read **S.B. 1093** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD EDGECOMBE AND WILSON COUNTIES TO THOSE COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES, is adopted and engrossed.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Thursday, May 27.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**H.B. 1352** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM AND TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND.

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

**H.B. 1386** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF INDIAN TRAIL TO REMOVE THE REQUIREMENT THAT THE TOWN ATTORNEY SHALL ATTEND ALL TOWN COUNCIL MEETINGS.

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

**H.B. 1426** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM CERTAIN PUBLIC BIDDING LAWS THE CITY OF GREENVILLE IN THE CONSTRUCTION OF PARKING STRUCTURE PROJECTS IN ITS CENTRAL BUSINESS DISTRICT.

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

**H.B. 1433** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT MEMBERS OF THE WAKE COUNTY HISTORIC PRESERVATION COMMISSION MAY RESIDE WITHIN THE CORPORATE BOUNDARIES OR EXTRATERRITORIAL JURISDICTION OF A MUNICIPALITY WITHIN THE COUNTY.

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

May 25, 2004

Upon motion of Senator Basnight, seconded by Senator Clodfelter, the Senate adjourns subject to introduction of bills to meet tomorrow, Wednesday, May 26, 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 Senators Hoyle; Forrester, Moore, Smith and Tillman:

**S.B. 1304**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE MINIMUM FRANCHISE TAX BASE FOR CORPORATIONS EXPERIENCING A NET ECONOMIC LOSS.

Referred to the **Finance Committee**.

By Senators Stevens; Carrington, Malone, Reeves and Tillman:

**S.B. 1305**, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY VARIOUS TOWNS IN WAKE COUNTY.

Referred to the **Finance Committee**.

By Senator Garrou:

**S.B. 1306**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO COMPLETE RENOVATIONS AT OLD SALEM.

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

By Senators Nesbitt; and Apodaca:

**S.B. 1307**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL.

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

By Senators Nesbitt; and Apodaca:

**S.B. 1308**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TERMS OF THE MEMBERS OF THE CIVIL SERVICE BOARD OF THE CITY OF ASHEVILLE.

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

By Senators Stevens; and Reeves:

**S.B. 1309**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF APEX TO ENGAGE IN CONDITIONAL ZONING AND TO EXPEND FUNDS ON ROADS OUTSIDE OF ITS CORPORATE LIMITS.

Referred to the **Finance Committee**.

May 25, 2004

By Senators Dorsett, Hagan; and Bingham:

**S.B. 1310**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE EAST MARKET STREET DEVELOPMENT CORPORATION.

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

By Senators Dorsett, Hagan; Berger and Bingham:

**S.B. 1311**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS FOR NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY AND THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO TO ASSIST WITH COSTS REGARDING CAMPUS IMPROVEMENTS AND OPERATING NEEDS OF THE MILLENNIUM CAMPUS SHARED BY THE TWO UNIVERSITIES.

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

By Senators Dorsett; Albertson, Berger, Hoyle, Kinnaird, Malone, Nesbitt, Queen and Rand:

**S.B. 1312**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PARTICIPATION IN 457 PLANS BY LOCAL GOVERNMENTAL EMPLOYEES.

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

By Senators Dorsett; Albertson, Bingham, Hoyle, Kinnaird, Malone, Queen and Rand:

**S.B. 1313**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE LIMITATION ON POSTRETIREMENT EARNINGS BY RETIREES AND TO APPROPRIATE FUNDS TO IMPLEMENT THAT STUDY.

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

By Senator Hartsell:

**S.B. 1314**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF RESEARCH, DEMONSTRATIONS, AND RURAL HEALTH DEVELOPMENT, FOR A GRANT PROGRAM TO ASSIST IN THE PROVISION OF PRIMARY AND PREVENTIVE MEDICAL AND DENTAL SERVICES TO UNINSURED OR MEDICALLY INDIGENT PATIENTS.

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

By Senator Hartsell:

**S.B. 1315**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR CABARRUS COUNTY.

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

By Senator Hartsell:

**S.B. 1316**, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF MOUNT PLEASANT.

Referred to the **Finance Committee**.

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By Senator Rand:

**S.B. 1317**, A BILL TO BE ENTITLED AN ACT TO DELAY THE EFFECTIVE DATE OF THE IMPOSITION OF A FEE PAYABLE TO THE STATE BUREAU OF INVESTIGATION BY THE NORTH CAROLINA BOARD OF LAW EXAMINERS FOR CRIMINAL HISTORY RECORDS CHECKS, TO AUTHORIZE THE BOARD OF LAW EXAMINERS TO COLLECT FEES ASSOCIATED WITH CRIMINAL HISTORY RECORDS CHECKS, AND TO STRENGTHEN THE RULES REGARDING WHEN AND UNDER WHAT CIRCUMSTANCES A LAWYER MAY SOLICIT BUSINESS FROM A PROSPECTIVE CLIENT.

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

By Senator Rand:

**S.B. 1318**, A BILL TO BE ENTITLED AN ACT RELATING TO THE ALLOCATION FORMULA FOR THE DISTRIBUTION OF STATE AND FEDERAL CHILD CARE SUBSIDY FUNDS.

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

By Senator Swindell:

**S.B. 1319**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO NASH COUNTY TO IMPROVE SECURITY AT THE COURTHOUSE.

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

By Senator Swindell:

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

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

By Senator Swindell:

**S.B. 1321**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF NASH.

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

By Senator Swindell:

**S.B. 1322**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF ROCKY MOUNT.

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

By Senators Swindell; and Thomas:

**S.B. 1323**, A BILL TO BE ENTITLED AN ACT TO RESTORE FUNDING FOR VOCATIONAL EDUCATION FOR SEVENTH GRADE STUDENTS.

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

By Senators Purcell; Dannelly, Dorsett, Kinnaird and Malone:

**S.B. 1324**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS

May 25, 2004

FOR INTERPRETER SERVICES IN LOCAL HEALTH DEPARTMENTS AND LOCAL DEPARTMENTS OF SOCIAL SERVICES.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:17 P.M.

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## ONE HUNDRED SIXTEENTH DAY

Senate Chamber  
Wednesday, May 26, 2004

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 say that the people of North Carolina are our greatest resource.

"Last night, a young High Pointer, Fantasia Barrino, captivated millions of Americans with her God-given gifts of voice and personality as she competed in the finals of the 'American Idol' contest.

"Well, I'm not sure how to define what an American idol is anymore. But I do know this. Miss Barrino reminded people from all over the United States of the rich diversity of gifted people found in our State.

"Most of us in North Carolina may not be able to sing like her, but we can all sing the same song. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, May 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. D. B. Ward, Jr. from Lumberton, North Carolina, who is serving the Senate as Doctor of the Day, and to Clydia Jackson from Garner, North Carolina, who is serving the Senate as Nurse of the Day.*

## REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Purcell for the **Health and Human Resources Committee**:

**S.B. 1150**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES RELATED TO MENTALLY ILL RESIDENTS IN LONG-TERM CARE

May 26, 2004

FACILITIES, AS RECOMMENDED BY 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. 1218**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CHILD RESTRAINT SYSTEM REQUIREMENTS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, with a favorable report.

Upon motion of Senator Purcell, the bill is placed on the Calendar for Tuesday, June 1.

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

**S.B. 1044**, A BILL TO BE ENTITLED AN ACT TO PERMIT THE COUNTY OF WILKES TO ACQUIRE PROPERTY AND CONVEY IT TO THE STATE FOR USE AS A VISITORS' CENTER/REST AREA, with a favorable report.

**S.B. 1122**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR EIGHTEEN 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, with a favorable report.

**S.B. 1125**, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE OFFICE OF CORONER IN JOHNSTON COUNTY, with a favorable report.

**S.B. 1178**, A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN WILKES COUNTY, with a favorable report.

#### **ADDITIONAL SPONSORS**

Senator Thomas, Senator Purcell, Senator Jenkins, and Senator Swindell request to be added as sponsors of previously introduced legislation:

**S.B. 1240**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO PROVIDE TO PUBLIC SCHOOL PERSONNEL AND TO STATE EMPLOYEES A LEGISLATIVE PAY INCREASE OF FIVE PERCENT AND ESTABLISHING A MINIMUM LIVING WAGE FOR STATE-FUNDED EMPLOYEES.

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

**S.B. 1289**, A BILL TO BE ENTITLED AN ACT TO REDUCE THE CORPORATE AND PERSONAL INCOME TAX, CUT GOVERNMENT SPENDING, AND REDUCE MEDICAID FRAUD.

May 26, 2004

**S.B. 1323**, A BILL TO BE ENTITLED AN ACT TO RESTORE FUNDING FOR VOCATIONAL EDUCATION FOR SEVENTH GRADE STUDENTS.

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

**S.B. 1304**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE MINIMUM FRANCHISE TAX BASE FOR CORPORATIONS EXPERIENCING A NET ECONOMIC LOSS.

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

**S.B. 1054** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE UNLAWFUL DISTRIBUTION OF METHAMPHETAMINE THAT PROXIMATELY RESULTS IN THE DEATH OF A PERSON IS SECOND DEGREE MURDER, TO MAKE IT AN AGGRAVATING FACTOR TO MANUFACTURE METHAMPHETAMINE IN A LOCATION THAT ENDANGERS A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR THE UNLAWFUL MANUFACTURE OF METHAMPHETAMINE, AND TO INCREASE THE CRIMINAL PENALTY FOR THE POSSESSION OF PRECURSOR SUBSTANCES FOR METHAMPHETAMINE, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, AND TO REQUIRE THE COMMISSION FOR HEALTH SERVICES TO ESTABLISH DECONTAMINATION STANDARDS FOR PROPERTY USED FOR THE MANUFACTURE OF METHAMPHETAMINE.

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

**S.B. 1300**, 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.

Upon motion of Senator Basnight, seconded by Senator Swindell, the Senate adjourns subject to introduction of bills, to meet tomorrow, Thursday, May 27, 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 Carpenter:

**S.B. 1325**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EQUIPMENT AT THE TRANSYLVANIA COUNTY CAMPUS OF BLUE RIDGE COMMUNITY COLLEGE.

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

May 26, 2004

By Senator Kerr:

**S.B. 1326**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE LOW-INCOME HOUSING TAX CREDITS AND TO MAKE A TECHNICAL CORRECTION.

Referred to the **Finance Committee**.

By Senator Kerr:

**S.B. 1327**, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND STRENGTHEN THE REPORTING REQUIREMENTS OF NON-STATE ENTITIES RECEIVING STATE FUNDS.

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

By Senator Kerr:

**S.B. 1328**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR STAFF POSITIONS FOR A CIVIL WAR CORRIDOR INFORMATION CENTER.

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

By Senator Kerr:

**S.B. 1329**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO AID SCHOOL-BASED HEALTH CENTERS.

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

By Senators Clodfelter; Hartsell and Kerr:

**S.B. 1330**, 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 the **Rules and Operations of the Senate Committee**.

By Senators Clodfelter; Hartsell and Rand:

**S.B. 1331**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PRIVILEGE TAX ON ATTORNEYS TO SUPPORT THE NORTH CAROLINA PUBLIC CAMPAIGN FINANCING FUND.

Referred to the **Finance Committee**.

By Senators Clodfelter; and Dannelly:

**S.B. 1332**, A BILL TO BE ENTITLED AN ACT TO INCREASE AND ADJUST FEES IN THE GENERAL COURT OF JUSTICE.

Referred to the **Finance Committee**.

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By Senators Hagan and Dorsett:

**S.B. 1333**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE INTERNATIONAL CIVIL RIGHTS CENTER AND MUSEUM.

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

By Senators Hagan and Dorsett:

**S.B. 1334**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF GREENSBORO.

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

By Senators Hagan and Dorsett:

**S.B. 1335**, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF GREENSBORO.

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

By Senators Hoyle; and Foxx:

**S.B. 1336**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE RELATIONSHIP BETWEEN THE STATE AND LOCAL GOVERNMENTS REGARDING THE PROVISION OF SERVICES REQUIRED BY STATE LAW, FUNDING ALLOCATIONS AND RESPONSIBILITY FOR SERVICES, AND LOCAL GOVERNMENT REVENUE OPTIONS.

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

By Senator Jenkins:

**S.B. 1337**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO ESTABLISH A PILOT PROGRAM FOR AT-RISK CHILDREN.

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

By Senator Purcell:

**S.B. 1338**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH AN INVESTIGATORIAL ASSISTANT POSITION IN PROSECUTORIAL DISTRICT 16A.

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

By Senators Rand, Nesbitt; Albertson, Bingham, Carrington, Clodfelter, Dalton, Foxx, Hargett, Holloman, Horton, Jenkins, Malone, Purcell, Queen, Soles and Weinstein:

**S.B. 1339**, A BILL TO BE ENTITLED AN ACT TO BEAUTIFY THE STATE GOVERNMENT MALL AND TO HONOR THE MANY NORTH CAROLINIANS WHO HAVE BEEN AWARDED THE PURPLE HEART MEDAL.

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

By Senators Thomas; and Moore:

**S.B. 1340**, 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 the **Appropriations/Base Budget Committee**.

By Senator Rand:

**S.B. 1341**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE OFFICERS OF THE DIVISION OF MOTOR VEHICLES TO ENFORCE CERTAIN CRIMINAL LAWS.

Referred to the **Judiciary I Committee**.

By Senator Rand:

**S.B. 1342**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FOR ANY STATE PSYCHIATRIC HOSPITAL OR CORRECTIONAL FACILITY THAT PURCHASES HOSPITAL SERVICES, THE PAYMENTS FOR THESE SERVICES IS LIMITED TO THE MAXIMUM AMOUNTS PAID FOR HOSPITAL SERVICES UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

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

By Senator Soles:

**S.B. 1343**, A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE CITY OF WHITEVILLE THE EXISTING DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY OF US HIGHWAYS 74/76 AND 701 AROUND THE OVERPASS AREA TO HELP ACCOMMODATE THE MAINTENANCE REQUIREMENTS OF THE INTERCHANGE LIGHTING PROJECT.

Referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:28 P.M.

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## ONE HUNDRED SEVENTEENTH DAY

Senate Chamber  
Thursday, May 27, 2004

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 Senators are wrestling with decisions about bills that have now been introduced.

May 27, 2004

"We remember that Jacob wrestled with an angel before getting his blessing. But not without injury. Before he limped away, O God, You changed his name to Israel, which means 'struggler with God.'

"There is no disgrace in wrestling with You and our consciences over tough decisions because we know that You are larger than our fears and more certain than our doubts.

"In Your holy name we pray, Amen."

The Chair grants leaves of absence for today to Senator Basnight, Senator Carrington, Senator Clodfelter, Senator Garrou, Senator Jenkins, Senator Malone, Senator Nesbitt and Senator Stevens.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Wednesday, May 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. Hadley Callaway from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Sharon Pearce from Lexington, North Carolina, who is serving the Senate as Nurse of the Day.*

#### CALENDAR

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

**S.B. 1093** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD EDGECOMBE AND WILSON COUNTIES TO THOSE COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 1.

#### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

**S.B. 1128**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA DEPARTMENT OF JUSTICE TO CHARGE EACH APPLICANT FOR A LOCKSMITH LICENSE OR AN APPRENTICE DESIGNATION A CRIMINAL HISTORY RECORD CHECK FEE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

May 27, 2004



Pursuant to Rule 45.1, the proposed Committee Substitute bill 75322, which changes the title to read **S.B. 1128** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA DEPARTMENT OF JUSTICE TO CHARGE EACH APPLICANT FOR A LOCKSMITH LICENSE OR AN APPRENTICE DESIGNATION A CRIMINAL HISTORY RECORD CHECK FEE AND TO MAKE A TECHNICAL CORRECTION, is adopted and engrossed.

Upon motion of Senator Hoyle, the Committee Substitute bill is placed on the Calendar for Tuesday, June 1.

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

**S.B. 1054**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE UNLAWFUL DISTRIBUTION OF METHAMPHETAMINE THAT PROXIMATELY RESULTS IN THE DEATH OF A PERSON IS SECOND DEGREE MURDER, TO MAKE IT AN AGGRAVATING FACTOR TO MANUFACTURE METHAMPHETAMINE IN A LOCATION THAT ENDANGERS A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR THE UNLAWFUL MANUFACTURE OF METHAMPHETAMINE, AND TO INCREASE THE CRIMINAL PENALTY FOR THE POSSESSION OF PRECURSOR SUBSTANCES FOR METHAMPHETAMINE, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE 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 85342, which changes the title to read **S.B. 1054** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE UNLAWFUL DISTRIBUTION OF METHAMPHETAMINE THAT PROXIMATELY RESULTS IN THE DEATH OF A PERSON IS SECOND DEGREE MURDER, TO MAKE IT AN AGGRAVATING FACTOR TO MANUFACTURE METHAMPHETAMINE IN A LOCATION THAT ENDANGERS A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR THE UNLAWFUL MANUFACTURE OF METHAMPHETAMINE, AND TO INCREASE THE CRIMINAL PENALTY FOR THE POSSESSION OF PRECURSOR SUBSTANCES FOR METHAMPHETAMINE, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, AND TO REQUIRE THE COMMISSION FOR HEALTH SERVICES TO ESTABLISH DECONTAMINATION STANDARDS FOR PROPERTY USED FOR THE MANUFACTURE OF METHAMPHETAMINE, is adopted and engrossed.

Upon motion of Senator Hartsell, the bill is placed on the Calendar for Tuesday, June 1.

#### **RECOGNITION OF PARTY OFFICERS**

The President directs the Reading Clerk to read as follows:

May 27, 2004

**North Carolina General Assembly**

Senate Chamber  
State Legislative Building  
Raleigh 27601-1096

May 26, 2004

SENATOR JAMES FORRESTER  
42nd DISTRICT

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

Madame President:

Republican Senators met in Caucus, May 26, 2004, and elected the following new officers to the 2004 Short Session of the General Assembly. The following officers were elected at that meeting.

Deputy Republican Whip - Harris Blake  
Deputy Republican Whip - Andrew Brock  
Deputy Republican Whip - Bob Carpenter  
Deputy Republican Whip - R. B. Sloan

Respectfully,  
S/James S. Forrester  
Senate Republican Leader

**CALENDAR** *(continued)*

**S.B. 1060**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 41, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Berger, Bingham, Blake, Brock, Carpenter, Dalton, Dannelly, Dorsett, Forrester, Foyx, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Sloan, Smith, Soles, Swindell, Thomas, Tillman, Webster, Weinstein and White—41.

Voting in the negative: Senator Shubert—1.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Tuesday, June 1, upon third reading.

May 27, 2004

**S.B. 1096**, A BILL TO BE ENTITLED AN ACT TO ADJUST THE BOUNDARIES BETWEEN THE CITIES OF CONCORD AND KANNAPOLIS AS MUTUALLY AGREED UPON, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 41, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Berger, Bingham, Blake, Brock, Carpenter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Sloan, Smith, Soles, Swindell, Thomas, Tillman, Webster, Weinstein and White—41.

Voting in the negative: Senator Shubert—1.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Tuesday, June 1, upon third reading.

**S.B. 1177**, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE CITY OF RANDLEMAN, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 41, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Berger, Bingham, Blake, Brock, Carpenter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Sloan, Smith, Soles, Swindell, Thomas, Tillman, Webster, Weinstein and White—41.

Voting in the negative: Senator Shubert—1.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Tuesday, June 1, upon third reading.

**S.B. 1044**, A BILL TO BE ENTITLED AN ACT TO PERMIT THE COUNTY OF WILKES TO ACQUIRE PROPERTY AND CONVEY IT TO THE STATE FOR USE AS A VISITORS' CENTER/REST AREA.

The bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

**S.B. 1122**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR EIGHTEEN 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.

The bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

**S.B. 1125**, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE OFFICE OF CORONER IN JOHNSTON COUNTY.

The bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

**S.B. 1178**, A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN WILKES COUNTY.

The bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

May 27, 2004

**S.B. 1189**, A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF CHADBOURN TO EXTEND ITS EXTRATERRITORIAL PLANNING JURISDICTION UP TO TWO MILES OUTSIDE ITS CORPORATE LIMITS.

The bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

**S.B. 1063**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS.

The bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 1034**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE LAKE TOXAWAY PROPERTY OWNERS' ASSOCIATION IN TRANSYLVANIA COUNTY, referred to the **Judiciary I Committee** on May 11.

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

**H.B. 1203** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR FUEL MARKETING ACT, referred to the **Judiciary I Committee** on May 6, 2003.

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 re-refers the measure to the **Judiciary II Committee**.

**S.B. 1225**, 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 May 20.

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**.

Upon motion of Senator Dannelly, seconded by Senator Rand, the Senate adjourns subject to receipt of messages from the House of Representatives and introduction of bills, to meet Friday, May 28, at 9:00 A.M.

May 27, 2004

**INTRODUCTION OF BILLS**

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

By Senators Hartsell, Dalton; Berger, Bingham and Clodfelter:

**S.B. 1344**, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE TRADE JOBS FOR SUCCESS INITIATIVE TO STIMULATE JOB GROWTH AND HIRING IN NORTH CAROLINA AND APPROPRIATING FUNDS FOR THAT PURPOSE.

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

By Senators Hartsell, Dalton; Berger, Bingham and Clodfelter:

**S.B. 1345**, A BILL TO BE ENTITLED AN ACT TO REVITALIZE TEXTILE AND FURNITURE MANUFACTURING COMMUNITIES PLAGUED BY ABANDONED BROWNFIELDS SITES BY GRANTING A TAX CREDIT TO REHABILITATE THE SITES.

Referred to the **Finance Committee**.

By Senator Hartsell:

**S.B. 1346**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A LOCAL HEALTH DEPARTMENT VOLUNTARY ACCREDITATION PROGRAM AND TO ESTABLISH THE LOCAL HEALTH DEPARTMENT ACCREDITATION BOARD; AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT.

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

By Senator Hartsell:

**S.B. 1347**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF KANNAPOLIS TO HOLD A REFERENDUM ON THE OPERATION OF ABC STORES AS PART OF THE ROWAN COUNTY ABC SYSTEM, AND TO SPECIFY HOW PROFITS FROM THOSE STORES SHALL BE DISTRIBUTED.

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

By Senator Garrou:

**S.B. 1348**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO FUND CAPITAL NEEDS AT WINSTON-SALEM STATE UNIVERSITY AND TO ESTABLISH THE CENTER FOR DESIGN INNOVATION.

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

By Senator Weinstein:

**S.B. 1349**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO GLOBAL WARMING INITIATIVES, A NONPROFIT CORPORATION THAT ENCOURAGES INDUSTRIES TO REDUCE THEIR EMISSIONS OF

May 27, 2004

GREENHOUSE GASES AND TO VOLUNTARILY REPORT THEIR EMISSIONS FOR PUBLICATION IN A REGISTRY TO BE PUBLISHED EVERY TWO YEARS BY GLOBAL WARMING INITIATIVES.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

**S.B. 1350**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE DEVELOPMENT OF A STATEWIDE MILITARY BUSINESS CENTER AND A HOMELAND SECURITY BUSINESS INCUBATOR.

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

By Senators Dorsett; and Hagan:

**S.B. 1351**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE GREENSBORO CHILDREN'S MUSEUM.

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

By Senator Malone:

**S.B. 1352**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 14TH SENATORIAL DISTRICT.

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

By Senator Shubert:

**S.B. 1353**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE POWER TO SETTLE CERTAIN CLAIMS AGAINST THE CITY.

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

By Senator Kerr:

**S.B. 1354**, 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 the **Finance Committee**.

By Senator Kerr:

**S.B. 1355**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GOLDSBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR.

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

May 27, 2004

By Senator Berger:

**S.B. 1356**, A BILL TO BE ENTITLED AN ACT TO TRANSFER CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE TO THE TOWN OF WHITSETT, SUCH PROPERTY BEING TOTALLY SURROUNDED BY THE TOWN OF WHITSETT.

Referred to the **Finance Committee**.

By Senators Berger; Foxx and Smith:

**S.B. 1357**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR COMMUNICATING A THREAT TO A CHILD.

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

By Senator Lucas:

**S.B. 1358**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN EXISTING CHARTER SCHOOL TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' MAJOR MEDICAL PLAN.

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

By Senator Lucas:

**S.B. 1359**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A LOCAL OPTION FOR DURHAM COUNTY TO ALLOW ITS LAW ENFORCEMENT OFFICERS WHO ARE MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO RETIRE WITH UNREDUCED BENEFITS AFTER COMPLETING TWENTY-FIVE YEARS OF SERVICE.

Referred to the **State Government, Local Government, and Veterans' Affairs Committee** and upon a favorable report, re-referred to the **Pensions & Retirement and Aging Committee**.

By Senators Lucas; and Jenkins:

**S.B. 1360**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST IN THE ESTABLISHMENT AND SUSTAINABILITY OF HEALTHY CAROLINIANS PARTNERSHIPS HEALTH PROMOTION INITIATIVES IN EACH COUNTY.

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

By Senator Hartsell:

**S.B. 1361**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A LOCAL HEALTH DEPARTMENT VOLUNTARY ACCREDITATION PROGRAM; AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT.

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

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By Senators Holloman; Hargett and Purcell:

**S.B. 1362**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO IMPLEMENT FOUR PILOT PROJECTS THAT ESTABLISH VOLUNTARY REGIONAL PUBLIC HEALTH PARTNERSHIPS IN NORTHEASTERN NORTH CAROLINA.

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

By Senator Thomas:

**S.B. 1363**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CERTAIN WATER RESOURCES DEVELOPMENT PROJECTS LOCATED IN CARTERET COUNTY.

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

By Senators Dannelly; Albertson, Dorsett, Holloman, Hunt, Lucas, Malone, Purcell and Reeves:

**S.B. 1364**, A BILL TO BE ENTITLED AN ACT TO REQUIRE PASSENGER VEHICLES TOWING OTHER VEHICLES TO KEEP RIGHT.

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

By Senators Shubert and Foxx:

**S.B. 1365**, A BILL TO BE ENTITLED AN ACT TO IMPROVE DISCLOSURE OF EXPENDITURES BY ENTITIES RECEIVING STATE FUNDS, AND TO REQUIRE DISCLOSURE OF WHEN MEMBERS OF THE GENERAL ASSEMBLY OR THE MEMBERS OF THEIR IMMEDIATE FAMILY SERVE AS OFFICERS OR DIRECTORS OF ENTITIES RECEIVING STATE FUNDS.

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

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

**S.B. 1366**, 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, TO REPEAL THE CHARTER OF THE GOLDEN L.E.A.F. (LONG-TERM ECONOMIC ADVANCEMENT FOUNDATION), INC., AND TO INITIALLY FUND THE STATE'S LIABILITY FOR STATE RETIREES HEALTH INSURANCE BENEFITS WITH THE ASSETS OF THE GOLDEN L.E.A.F., INC., FIFTY PERCENT OF THE ANNUAL PAYMENT TO THE STATE UNDER THE TOBACCO MASTER SETTLEMENT AGREEMENT AND UNSPENT FUNDS REMAINING AT THE END OF THE 2004-2005 FISCAL YEAR.

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

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By Senators Dannelly; Albertson, Clodfelter, Dorsett, Holloman, Hunt, Kinnaird, Lucas, Malone, Purcell, Reeves, Swindell and Thomas:

**S.B. 1367**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE FOOD BANKS IN NORTH CAROLINA.

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

By Senators Dannelly; Clodfelter, Dorsett, Holloman, Hunt, Kinnaird, Lucas, Malone and Reeves:

**S.B. 1368**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH PROSECUTORIAL DISTRICT MONITORING COMMITTEES TO INVESTIGATE CLAIMS OF PROSECUTORIAL OR INVESTIGATIVE MISCONDUCT AND TO APPROPRIATE FUNDS FOR THE ESTABLISHMENT OF THOSE COMMITTEES.

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

By Senators Smith and Moore:

**S.B. 1369**, A BILL TO BE ENTITLED AN ACT TO ENSURE THE SAFEST TRANSPORTATION POSSIBLE FOR NORTH CAROLINA PUBLIC SCHOOL STUDENTS INVOLVED IN SCHOOL-SPONSORED TRAVEL.

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

By Senator Kerr:

**S.B. 1370**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE PROCEDURE FOR DISPOSAL OF SURPLUS STANDARD AND SUBSTANDARD LOTS BY THE CITY OF GOLDSBORO.

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

By Senators Clodfelter; Dannelly, Pittenger and Rucho:

**S.B. 1371**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EIGHT ADA POSITIONS IN PROSECUTORIAL DISTRICT 26 AND TO CONTINUE THE YOUTH DRUG TREATMENT COURT ON DISTRICT COURT DISTRICT 26, AND TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO DEVELOP A PLAN FOR THE CONTINUED FUNDING OF DRUG TREATMENT COURTS THAT ARE CURRENTLY FUNDED BY GRANTS FROM NON-STATE SOURCES.

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

By Senators Clodfelter; Dannelly, Hartsell, Holloman, Reeves, Stevens, Tillman and Weinstein:

**S.B. 1372**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LOCAL SCHOOL CONSTRUCTION FINANCING STUDY COMMISSION.

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

By Senators Clodfelter; and Kinnaird:

**S.B. 1373**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GOVERNMENTAL UNITS TO ENTER INTO GUARANTEED WATER SAVINGS CONTRACTS THAT PROVIDE FOR THE INSTALLATION OF WATER CONSERVATION MEASURES IN EXISTING FACILITIES, TO AUTHORIZE

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THE FUNDING OF THESE CONTRACTS IN THE SAME MANNER AS GUARANTEED ENERGY SAVINGS CONTRACTS, TO RAISE THE CAP FOR FINANCING CONTRACTS FOR ENERGY AND WATER CONSERVATION MEASURES, TO EXPAND THE STATE'S ENERGY POLICY AND LIFE-CYCLE COST ANALYSIS TO INCLUDE WATER CONSERVATION, AND TO MAKE CONFORMING CHANGES.

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

By Senators Clodfelter; and Kinnaird:

**S.B. 1374**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY WHETHER THE HIGHWAY USE TAX SHOULD BE BASED ON FUEL EFFICIENCY, WHETHER THE VEHICLE REGISTRATION RENEWAL FEE SHOULD BE BASED ON VEHICLE MILES TRAVELED, AND WHETHER FUNDS GENERATED FROM THESE SOURCES OF REVENUE SHOULD BE USED TO SUPPORT AIR QUALITY AND TRANSPORTATION EFFICIENCY INITIATIVES.

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

By Senators Clodfelter, Albertson; and Kinnaird:

**S.B. 1375**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO GLOBAL WARMING INITIATIVES, A NONPROFIT CORPORATION THAT ENCOURAGES INDUSTRIES TO REDUCE THEIR EMISSIONS OF GREENHOUSE GASES AND TO VOLUNTARILY REPORT THEIR EMISSIONS FOR PUBLICATION IN A REGISTRY TO BE PUBLISHED EVERY YEAR BY GLOBAL WARMING INITIATIVES.

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

By Senators Clodfelter; and Kinnaird:

**S.B. 1376**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA LOW EMISSION VEHICLES PROGRAM.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Kinnaird; Dannelly, Hunt, Lucas, Malone, Reeves and Stevens:

**S.B. 1377**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CREATION OF THE STATE FIRE PROTECTION STUDY COMMISSION AND APPROPRIATING FUNDS FOR THE COMMISSION.

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

By Senator Reeves:

**S.B. 1378**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A LEGISLATIVE STUDY COMMISSION TO RECOMMEND CHANGES TO THE STATE PERSONNEL ACT AND APPROPRIATING FUNDS FOR THAT PURPOSE.

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

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By Senators Reeves; Malone and Stevens:

**S.B. 1379**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO WAKEMED HEALTH & HOSPITALS, INC., FOR PLANNING AND IMPLEMENTATION OF THE WAKEMED BIOMEDICAL ALLIANCE.

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

By Senator Dalton:

**S.B. 1380**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE E-NC AUTHORITY TO CREATE JOBS THROUGH THE DEVELOPMENT OF UP TO FOUR BUSINESS AND TECHNOLOGY TELECENTERS TO BE LOCATED IN THE RURAL AREAS OF THE STATE AND REQUIRING THE E-NC AUTHORITY TO REPORT TO THE GENERAL ASSEMBLY ON THE TECHNOLOGY EDUCATION AND PUBLIC ACCESS NEEDS OF CITIZENS AND BUSINESSES IN DISTRESSED URBAN AREAS OF THE STATE.

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

By Senator Allran:

**S.B. 1381**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CATAWBA.

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

By Senator Garwood:

**S.B. 1382**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR REGIONAL EDUCATION SERVICE ALLIANCES AND STAFF DEVELOPMENT.

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

By Senators Albertson, Sloan; and Swindell:

**S.B. 1383**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A 4-H SPECIAL REGISTRATION PLATE.

Referred to the **Finance Committee**.

By Senators Albertson; Clodfelter, Dalton, Hargett, Hoyle, Hunt, Jenkins, Kerr, Lucas, Malone, Purcell, Reeves, Soles and Swindell:

**S.B. 1384**, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING, AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING, AND INCREASING FEES.

Referred to the **Finance Committee**.

By Senators Dorsett, Forrester, Lucas; Carpenter, Hagan and Purcell:

**S.B. 1385**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE OFFICE OF WOMEN'S HEALTH.

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

By Senators Foxx; Allran, Apodaca, Berger, Blake, Brock, Carpenter, Forrester, Horton, Pittenger, Rucho, Shubert, Sloan, Webster and White:

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**S.B. 1386**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDS TO MATCH FEDERAL FUNDS RECEIVED BY THE STATE UNDER THE STATE CHARTER SCHOOL FACILITIES INCENTIVE GRANTS PROGRAM.

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

By Senators Foxx; Allran, Berger, Carpenter, Shubert and Webster:

**S.B. 1387**, A BILL TO BE ENTITLED AN ACT REQUIRING ALIENS SEEKING PUBLIC SOCIAL SERVICES IN THIS STATE TO SHOW PROOF OF THEIR LEGAL STATUS.

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

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**H.B. 1356**, A BILL TO BE ENTITLED AN ACT TO ENACT THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO ADMINISTER SUBSTANCE ABUSE ASSESSMENTS, TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR SUBSTANCE ABUSE ASSESSMENTS, TO STUDY THE MINIMUM QUALIFICATIONS OF INDIVIDUALS CONDUCTING ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOLS, AND TO STUDY THE FEE PAID BY DWI OFFENDERS FOR EDUCATION OR TREATMENT SERVICES.

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

**H.B. 1447**, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF GREENVILLE AND THE TOWN OF WAYNESVILLE.

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

**H.B. 1448**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT SELLERS BE PROVIDED WITH NOTICE AND A SIXTY-DAY PERIOD TO RESPOND TO A REQUEST FOR A REFUND OF OVER-COLLECTED SALES OR USE TAXES BEFORE A PURCHASER MAY BRING A CAUSE OF ACTION AGAINST THE SELLER.

Referred to the **Finance Committee**.

**H.B. 1455**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND RECOMMEND A FUNDING FORMULA FOR ALTERNATIVE LEARNING PROGRAMS AND ALTERNATIVE SCHOOLS.

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

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**H.B. 1465**, A BILL TO BE ENTITLED AN ACT TO ALLOW FARMLAND OWNED BY A FAMILY BUSINESS TO KEEP ITS PRESENT-USE VALUE TAX STATUS WHEN LEASED FOR FARM USE.

Referred to the **Finance Committee**.

**H.B. 1497**, A BILL TO BE ENTITLED AN ACT TO ADOPT A FLAT COLLECTION ASSISTANCE FEE UNDER THE SETOFF DEBT COLLECTION ACT.

Referred to the **Finance Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 11:48 A.M.

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### ONE HUNDRED EIGHTEENTH DAY

Senate Chamber  
Friday, May 28, 2004

The Senate meets pursuant to adjournment and is called to order by The Honorable Janet Pruitt, Senate Principal Clerk, who presides in the absence of the Lieutenant Governor.

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

"As we approach this Memorial Day weekend, the sounds of battles still fought serve as backdrop to observances here. Our hearts, minds, and prayers go out to all for whom this day means so much - men and women who fought our battles and families of fallen heroes from what now seem like ancient battles in history books to the too-fresh sod that covers over men and women who have died in Iraq and Afghanistan.

"Let us never be forgetful of the great sacrifice so many have given. Amen."

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

Senator Reeves announces that the Journal of Thursday, 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.

Upon motion of Senator Malone, seconded by Senator Reeves, the Senate adjourns subject to introduction of bills, to meet Tuesday, June 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:

May 28, 2004

By Senator Nesbitt:

**S.B. 1388**, A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA AND APPROPRIATING REED ACT FUNDS.

Referred to the **Finance Committee**.

By Senator Nesbitt:

**S.B. 1389**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THREE MENTAL HEALTH TREATMENT COURT PILOT PROGRAMS WITHIN THE EXISTING DRUG TREATMENT COURT PROGRAM TO SERVE REPEAT ADULT OFFENDERS NEEDING MENTAL HEALTH SERVICES.

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

By Senator Nesbitt:

**S.B. 1390**, A BILL TO BE ENTITLED AN ACT TO PROVIDE PLANNING FUNDS FOR A NEW FACILITY FOR THE HEALTH ADVENTURE.

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

By Senator Hagan:

**S.B. 1391**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A DUTY ON THE PART OF INTERNET SERVICE PROVIDERS TO REMOVE OR DISABLE ACCESS TO CHILD PORNOGRAPHY ITEMS ACCESSIBLE THROUGH THE SERVICE AND TO MAKE IT A CRIMINAL OFFENSE TO FAIL TO COMPLY WITH THIS DUTY UPON APPROPRIATE NOTIFICATION BY THE ATTORNEY GENERAL.

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

By Senator Nesbitt:

**S.B. 1392**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO BE ALLOCATED TO THE SCHOOL OF GOVERNMENT AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL FOR A FACULTY POSITION IN REAL PROPERTY LAW.

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

By Senator Nesbitt:

**S.B. 1393**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE LOCAL JUVENILE CRIME PREVENTION COUNCILS.

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

By Senator Nesbitt:

**S.B. 1394**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PURCHASE EQUIPMENT FOR ARTISANS AT THE GROVE ARCADE ART SPACE.

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

May 28, 2004

By Senators Malone; Carrington, Hagan, Holloman, Lucas, Rand, Reeves and Stevens:

**S.B. 1395**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS OF THE EXPLORIS MUSEUM IN THE CITY OF RALEIGH.

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

By Senators Malone; Carrington, Hagan, Holloman, Lucas, Rand, Reeves and Stevens:

**S.B. 1396**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EXPLORIS, A SCIENCE MUSEUM LOCATED IN RALEIGH.

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

By Senator Hagan:

**S.B. 1397**, A BILL TO BE ENTITLED AN ACT TO INCLUDE AGAPE OF NORTH CAROLINA, INC., ON THE LIST OF AGENCIES ELIGIBLE TO RECEIVE FUNDING FROM THE STATE FUNDS PROGRAM.

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

By Senators Hagan and Rand:

**S.B. 1398**, A BILL TO BE ENTITLED AN ACT TO EXEMPT AMUSEMENTS PROMOTED AND MANAGED BY CERTAIN NONPROFIT ORGANIZATIONS FROM THE AMUSEMENTS TAX.

Referred to the **Finance Committee**.

By Senator Rand:

**S.B. 1399**, A BILL TO BE ENTITLED AN ACT TO RECAPTURE THE GRAPE COUNCIL FUNDS FROM FISCAL YEAR 2002-2003 AND TO REDEFINE FORTIFIED WINE AND UNFORTIFIED WINE.

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

By Senator Rand:

**S.B. 1400**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING THE METHOD OF ELECTION OR APPOINTMENT OF MEMBERS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, THE LENGTH AND NUMBER OF TERMS A MEMBER MAY SERVE, AND THE SIZE OF THE BOARD.

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

By Senator Rand:

**S.J.R. 1401**, A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO AUTHORIZE OFFICERS OF THE DIVISION OF MOTOR VEHICLES TO ENFORCE CERTAIN CRIMINAL LAWS.

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

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By Senator Rand:

**S.B. 1402**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CHILD ADVOCACY CENTERS.

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

By Senator Rand:

**S.B. 1403**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR OPEN DISCOVERY IN CLASS A THROUGH E FELONIES AND TO MAKE CERTAIN OTHER AMENDMENTS TO THE LAWS REGARDING DISCOVERY IN CRIMINAL CASES.

Referred to the **Judiciary I Committee**.

By Senator Kerr:

**S.B. 1404**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO ADDRESS STATEWIDE CRITICAL INFRASTRUCTURE NEEDS BY PROVIDING FUNDS FOR GRANTS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION AND WATER REUSE PROJECTS.

Referred to the **Finance Committee**.

By Senators Queen and Rand:

**S.B. 1405**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA FIRST-TIME HOME BUYER SAVINGS ACCOUNT PROGRAM.

Referred to the **Finance Committee**.

By Senators Weinstein, Rand, Dannelly, Purcell, Swindell and Malone:

**S.B. 1406**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE TO ESTABLISH A TRADE OFFICE IN THE REPUBLIC OF CHINA.

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

By Senators Foxx; Allran, Apodaca, Blake, Brock, Carpenter, Carrington, Garwood, Hartsell, Pittenger, Shubert, Sloan and Smith:

**S.B. 1407**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IF A DEFENDANT COMMITS A DRUG OFFENSE, AND THE CONTROLLED SUBSTANCE IS METHAMPHETAMINE, AND THE OFFENSE RESULTS IN SERIOUS BODILY INJURY TO A LAW ENFORCEMENT OFFICER OR FIREFIGHTER THEN THE DEFENDANT IS GUILTY OF AN OFFENSE THAT IS ONE CLASS HIGHER THAN THE OFFENSE COMMITTED.

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

By Senator Dalton:

**S.J.R. 1408**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GENERAL GRIFFITH RUTHERFORD ON THE 225TH ANNIVERSARY OF RUTHERFORD COUNTY.

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

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By Senator Shaw:

**S.B. 1409**, 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, 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, AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ASSIST WITH THE COST OF IMPLEMENTING THIS ACT.

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

By Senator Shaw:

**S.B. 1410**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REDUCE THE RECIDIVISM RATE BY ESTABLISHING AN EDUCATIONAL PROGRAM DESIGNED TO PROVIDE NONVIOLENT OFFENDERS WITH A PRODUCTIVE EDUCATION.

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

By Senators Smith; Albertson, Allran, Apodaca, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Forrester, Foxx, Garwood, Hargett, Hartsell, Holloman, Horton, Hoyle, Kerr, Moore, Pittenger, Queen, Reeves, Rucho, Shaw, Shubert, Sloan, Stevens, Swindell, Thomas, Tillman, Weinstein and White:

**S.B. 1411**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A CORPORATE INCOME TAX EXEMPTION.

Referred to the **Finance Committee**.

By Senator Berger:

**S.B. 1412**, A BILL TO BE ENTITLED AN ACT ALLOWING ROCKINGHAM COUNTY TO REDUCE ITS MAINTENANCE OF EFFORT REQUIREMENT FOR FUNDING FROM THE AID TO PUBLIC LIBRARIES FUND.

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

By Senators Carpenter, Purcell, Forrester, Nesbitt; Albertson, Bingham, Blake, Foxx, Garwood, Hargett, Hartsell, Hunt, Kinnaird, Lucas, Moore, Queen, Rucho, Shubert, Smith, Stevens, Tillman, Weinstein and White:

**S.B. 1413**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR DIABETES AWARENESS AND DETECTION ACTIVITIES.

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

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By Senator Purcell:

**S.B. 1414**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN CERTAIN MEDICAL BOARD FEES.

Referred to the **Finance Committee**.

By Senators Kinnaird; and Lucas:

**S.B. 1415**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ELECTRONIC VOTING SYSTEMS STUDY COMMISSION TO STUDY WHETHER ALL DIRECT RECORD ELECTRONIC VOTING EQUIPMENT SHOULD PRODUCE A VOTER-VERIFIABLE PAPER TRAIL; TO PLACE A MORATORIUM ON THE PURCHASE OF DIRECT-RECORD-ELECTRONIC VOTING SYSTEMS WITHOUT A VOTER-VERIFIABLE PAPER TRAIL UNTIL JULY 1, 2005, AND TO APPROPRIATE FIFTY THOUSAND DOLLARS FOR THE STUDY.

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

By Senators Kinnaird; Allran, Bingham, Carpenter, Dorsett, Forrester, Garwood, Hargett, Hartsell, Holloman, Hoyle, Kerr, Lucas, Moore and Rucho:

**S.B. 1416**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO PROVIDE TO STATE EMPLOYEES A LEGISLATIVE PAY INCREASE OF TWO THOUSAND DOLLARS AND ESTABLISHING A MINIMUM LIVING WAGE FOR STATE-FUNDED EMPLOYEES.

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

By Senators Albertson; Dorsett, Hoyle, Kerr, Purcell, Queen, Rand, Soles and Weinstein:

**S.B. 1417**, A BILL TO BE ENTITLED AN ACT TO AMEND THE TOBACCO RESERVE FUND TO PROMOTE THE HEALTH AND WELLNESS OF THE STATE'S CITIZENS AND ECONOMIC DEVELOPMENT.

Referred to the **Finance Committee**.

By Senators Albertson, Clodfelter; and Purcell:

**S.B. 1418**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE REPAIRS AND RENOVATIONS FUNDS FOR THE 2003-2005 BIENNIUM CANNOT BE USED BY A STATE AGENCY UNLESS THE PROPOSED PROJECT IS DESIGNED AND CONSTRUCTED TO MINIMIZE THE CONSUMPTION OF BOTH ENERGY AND WATER TO THE EXTENT POSSIBLE WITHIN THE SCOPE OF THE PROJECT.

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

By Senators Albertson; and Purcell:

**S.B. 1419**, A BILL TO BE ENTITLED AN ACT TO ALLOW A REFUND OF A PORTION OF MOTOR FUELS TAXES PAID FOR FUEL USED BY A POWER SWEEPER.

Referred to the **Finance Committee**.

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By Senator Albertson:

**S.B. 1420**, A BILL TO BE ENTITLED AN ACT RELATING TO APPOINTMENTS OF PERSONS TO VARIOUS PUBLIC OFFICES.

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

By Senator Kinnaird:

**S.B. 1421**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY CERTAIN ISSUES PERTAINING TO BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

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

By Senators Hoyle and Rand:

**S.B. 1422**, A BILL TO BE ENTITLED AN ACT TO FREEZE THE VARIABLE WHOLESALE COMPONENT OF THE MOTOR FUELS TAX RATE AT ITS CURRENT RATE FOR A PERIOD OF ONE YEAR.

Referred to the **Finance Committee**.

By Senators Hoyle, Hartsell, Dalton; and Hagan:

**S.B. 1423**, A BILL TO BE ENTITLED AN ACT TO CREATE NEW JOBS BY RECRUITING NEW BUSINESSES, GROWING EXISTING BUSINESSES, AND ENCOURAGING ENTREPRENEURS.

Referred to the **Finance Committee**.

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

**S.J.R. 1424**, A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO BE KNOWN AS THE BABY GREER ACT, TO PROVIDE THAT A PERSON WHO MURDERS A PREGNANT WOMAN SHALL BE GUILTY OF A SEPARATE OFFENSE OF MURDER IN THE RESULTING DEATH OF THE FETUS.

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

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

**S.B. 1425**, A BILL TO BE ENTITLED AN ACT TO BE KNOWN AS THE BABY GREER ACT, TO PROVIDE THAT A PERSON WHO MURDERS A PREGNANT WOMAN SHALL BE GUILTY OF A SEPARATE OFFENSE OF MURDER IN THE RESULTING DEATH OF THE FETUS.

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

By Senators Webster; Apodaca, Berger, Blake, Brock, Carpenter, Foxx, Hargett, Hartsell, Pittenger, Rucho, Shaw, Shubert, Sloan, Tillman and White:

**S.B. 1426**, A BILL TO BE ENTITLED AN ACT TO ENACT AN OPTIONAL SIMPLIFIED INCOME TAX FOR INDIVIDUALS WHO PREFER TO AVOID THE BURDEN AND EXPENSE OF CALCULATING STATE INCOME TAXES.

Referred to the **Finance Committee**.

May 28, 2004

By Senators Webster; Allran, Apodaca, Berger, Bingham, Blake, Brock, Carpenter, Foxx, Hartsell, Horton, Moore, Pittenger, Shubert, Sloan, Smith, Stevens and Tillman:

**S.B. 1427**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE REVENUE LAWS STUDY COMMITTEE TO STUDY INTERSTATE TAX COOPERATION TO ELIMINATE MULTIPLE FILING BY INDIVIDUALS WHO OWE INCOME TAX TO MORE THAN ONE STATE.

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

By Senator Moore:

**S.B. 1428**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ADDITIONAL STUDY OF HOW BEST TO PROTECT WATER QUALITY AND ENDANGERED SPECIES IN THE EASTERN PORTION OF SWIFT CREEK IN THE TAR-PAMLICO RIVER BASIN AND ITS WATERSHED AND TO APPROPRIATE FUNDS FOR CERTAIN RELATED STUDIES.

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

By Senator Kerr:

**S.B. 1429**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SALES TAX CERTAIN AGRICULTURAL MULCH AND PLANT BED COVERS.

Referred to the **Finance Committee**.

By Senator Thomas:

**S.B. 1430**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HOME PROTECTION LOAN PROGRAM AND THE NORTH CAROLINA HOME PROTECTION LOAN FUND AND TO APPROPRIATE FUNDS TO THE NORTH CAROLINA HOME PROTECTION LOAN FUND AND TO IMPLEMENT THIS PROGRAM.

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

By Senator Rand:

**S.B. 1431**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE REGISTRATION PLATES.

Referred to the **Finance Committee**.

By Senator Rand:

**S.B. 1432**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LOBBYING LAWS BY INCREASING THE INFORMATION REQUIRED TO BE REPORTED ON LOBBYING ACTIVITIES AND BY REQUIRING REGISTRATION AND REPORTING OF LOBBYING ACTIVITIES OF EXECUTIVE BRANCH AGENCIES AND EMPLOYEES, AND TO APPROPRIATE FUNDS TO IMPLEMENT THE ACT.

Referred to the **Judiciary I Committee**.

By Senator Rand:

**S.B. 1433**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A SYSTEM FOR REVIEWING THE CRIMINAL HISTORY OF INDIVIDUALS

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CONDITIONALLY EMPLOYED IN OR SEEKING EMPLOYMENT IN NURSING HOMES AND ADULT CARE HOMES AND DETERMINING THE INDIVIDUAL'S FITNESS TO BE RESPONSIBLE FOR THE SAFETY AND WELL-BEING OF AGED OR DISABLED PERSONS RESIDING IN THE HOMES; AND TO PROVIDE THAT INDIVIDUALS DETERMINED TO BE UNFIT TO BE RESPONSIBLE FOR THE SAFETY AND WELL-BEING OF AGED OR DISABLED INDIVIDUALS RESIDING IN NURSING HOMES OR ADULT CARE HOMES MAY NOT BE EMPLOYED BY THE NURSING HOME OR ADULT CARE HOME; AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REVIEW CRIMINAL HISTORY RECORD CHECKS TO DETERMINE FITNESS FOR EMPLOYMENT IN ADULT CARE HOMES, NURSING HOMES, AND CHILD CARING FACILITIES; AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE FOR EXPEDITING THE PROCESSING OF CRIMINAL RECORD CHECKS.

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

By Senator Rand:

**S.B. 1434**, A BILL TO BE ENTITLED AN ACT TO MAKE AN APPROPRIATION FOR THE FUND TO SUPPORT NONPARTISAN ELECTION OF APPELLATE JUDGES; AND TO MAKE CERTAIN CHANGES TO THE LAW GOVERNING THE NONPARTISAN JUDICIAL ELECTION PROCESS.

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

Pursuant to Senator Malone's motion to adjourn having prevailed, the Senate adjourns at 9:30 A.M.

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## ONE HUNDRED NINETEENTH DAY

Senate Chamber  
Tuesday, June 1, 2004

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, some of the toughest issues that must be faced by the Senators in the coming days involve peoples' freedom as opposed to boundaries or fences that provide security for them.

"The tension between freedom and fences stretches from past to future, through individuals and cultures. Living our life demands both because life without freedom is deadening and freedom without fences is impossible.

"Help the Senators come to resolution through fences with free-swinging gates. To Your glory we pray, Amen."

June 1, 2004

The Chair grants leaves of absence for today to Senator Carpenter, Senator Carrington and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Friday, 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. Walter J. Pories from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Jimmy Hicks from Rocky Mount, North Carolina, who is serving the Senate as Nurse of the Day.*

#### CHAPTERED BILLS

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

**H.B. 1411**, AN ACT TO DESIGNATE AS TEMPORARY UNVEGETATED BEACH AREAS CERTAIN OCEANFRONT AREAS ON HATTERAS ISLAND WHERE THE VEGETATION LINE WAS DESTROYED BY HURRICANE ISABEL AND THE REMNANTS OF THE VEGETATION LINE WERE BURIED BY THE CONSTRUCTION OF AN EMERGENCY BERM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, May 26, 2004 - S.L. 2004-1.)

**S.B. 623**, AN ACT TO PROVIDE FOR A SPECIAL DEADLINE FOR EXEMPT ADULT HOUSING FACILITIES LOCATED IN A DOWNTOWN AREA AND BEING RELOCATED DUE TO A MAJOR ECONOMIC DEVELOPMENT PROJECT. (Became law upon approval of the Governor, May 26, 2004 - S.L. 2004-2.)

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**H.B. 1363**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE LAKE TOXAWAY PROPERTY OWNERS' ASSOCIATION IN TRANSYLVANIA COUNTY.

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

**H.B. 1364**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT TRANSYLVANIA COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE FOR USE AS CORRECTIONAL FACILITIES.

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

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**H.B. 1366**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN ORDER ISSUED BY THE CLERK OF COURT, THE MAGISTRATE, OR THE COURT FOR CUSTODY RELATING TO INVOLUNTARY COMMITMENT IS VALID THROUGHOUT THE STATE.

Referred to the **Judiciary II Committee**.

**H.B. 1373** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CLASSIFICATION OF ASSAULTING A PRIVATE CONTRACTOR EMPLOYED AS A PUBLIC TRANSPORTATION OPERATOR FROM A CLASS 2 MISDEMEANOR TO A CLASS A1 MISDEMEANOR.

Referred to the **Judiciary II Committee**.

**H.B. 1378**, A BILL TO BE ENTITLED AN ACT TO PERMIT THE EDGECOMBE AND WILSON COUNTY BOARDS OF 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.

Referred to the **Finance Committee**.

**H.B. 1462**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF SEVEN DEVILS TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES.

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

**H.B. 1566**, A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN WILKES COUNTY.

Referred 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. 1060**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 8, upon third reading.

#### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

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**S.B. 1033**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT TRANSYLVANIA COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE FOR USE AS CORRECTIONAL FACILITIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35474, is adopted and engrossed.

### INTRODUCTION OF BILLS

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

By Senators Dalton and Hagan:

**S.B. 1435**, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA HOME PROTECTION PILOT PROGRAM AND LOAN FUND IN ORDER TO ASSIST NORTH CAROLINA WORKERS WHO HAVE LOST JOBS AS A RESULT OF CHANGING ECONOMIC CONDITIONS IN NORTH CAROLINA WHEN THE WORKERS ARE IN NEED OF TEMPORARY ASSISTANCE TO AVOID LOSING THEIR HOMES TO FORECLOSURE.

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

By Senator Shaw:

**S.B. 1436**, A BILL TO BE ENTITLED AN ACT TO WAIVE TUITION FOR A PERSON OF A CERTAIN AGE WHOSE PARENTS ARE DEAD OR UNKNOWN OR WHO IS A WARD OF THE STATE AND WHO ATTENDS CLASSES AT ANY CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA OR ANY COMMUNITY COLLEGE.

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

By Senators Shaw and Lucas:

**S.B. 1437**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE TEACHING FELLOWS PROGRAM TO ALL CAMPUSES OF THE UNIVERSITY OF NORTH CAROLINA THAT OFFER TEACHER TRAINING PROGRAMS.

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

### CALENDAR *(continued)*

**S.B. 1096**, A BILL TO BE ENTITLED AN ACT TO ADJUST THE BOUNDARIES BETWEEN THE CITIES OF CONCORD AND KANNAPOLIS AS MUTUALLY AGREED UPON, 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, Basnight, Berger, Bingham, Blake, Brock, Clodfelter, Dalton, Dannelly, Dorsett, Forrester,

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Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Weinstein and White—47.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

**S.B. 1177**, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE CITY OF RANDLEMAN, 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, Basnight, Berger, Bingham, Blake, Brock, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Weinstein and White—47.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

**S.B. 1093** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD EDGECOMBE AND WILSON COUNTIES TO THOSE COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES.

Senator Swindell offers Amendment No. 1 which is adopted (47-0), and changes the title to read **S.B. 1093** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD EDGECOMBE, NASH, AND WILSON COUNTIES TO THOSE COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES.

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.

The Senate recesses at 3:26 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 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:

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By Senator Rand for the **Rules and Operations of the Senate Committee:**

**S.B. 1339**, A BILL TO BE ENTITLED AN ACT TO BEAUTIFY THE STATE GOVERNMENT MALL AND TO HONOR THE MANY NORTH CAROLINIANS WHO HAVE BEEN AWARDED THE PURPLE HEART MEDAL, with a favorable report.

**CALENDAR** (*continued*)

**S.B. 1054** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE UNLAWFUL DISTRIBUTION OF METHAMPHETAMINE THAT PROXIMATELY RESULTS IN THE DEATH OF A PERSON IS SECOND DEGREE MURDER, TO MAKE IT AN AGGRAVATING FACTOR TO MANUFACTURE METHAMPHETAMINE IN A LOCATION THAT ENDANGERS A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR THE UNLAWFUL MANUFACTURE OF METHAMPHETAMINE, AND TO INCREASE THE CRIMINAL PENALTY FOR THE POSSESSION OF PRECURSOR SUBSTANCES FOR METHAMPHETAMINE, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, AND TO REQUIRE THE COMMISSION FOR HEALTH SERVICES TO ESTABLISH DECONTAMINATION STANDARDS FOR PROPERTY USED FOR THE MANUFACTURE OF METHAMPHETAMINE.

The 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, Wednesday, June 2, upon third reading.

**S.B. 1128** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA DEPARTMENT OF JUSTICE TO CHARGE EACH APPLICANT FOR A LOCKSMITH LICENSE OR AN APPRENTICE DESIGNATION A CRIMINAL HISTORY RECORD CHECK FEE AND TO MAKE A TECHNICAL CORRECTION.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

**S.B. 1218**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CHILD RESTRAINT SYSTEM REQUIREMENTS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

The bill passes its second (36-11) 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:

Christopher B. Archer, Holly Springs; Elizabeth C. Auten, Dallas; Hannah Blanche Autry, Stedman; Edward Williams Bersuder, Raleigh; Rachel Boyette, Raleigh; Clayton White Brooks III, Laurinburg; Ryan L. Bullock, Stedman; Mary Christoph, Mebane;

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Philip R. Clark, Cary; Judah A. Emory, Richlands; Catherine Ruth Guffey, Mount Holly; Morgan Hall, Albemarle; Allison Hess, Gastonia; Andrew Jones, Winston-Salem; Jenna Landstoffer, Gastonia; Lauren Lewis, Kenansville; Marguerite Borgny McRae, Sanford; Brandy Michelle Phipps, Dudley; Bryceton T. Proctor, Greensboro; Nathan R. Proctor, Greensboro; Diana P. Rodriguez, Raleigh; Jenna Stover, Gastonia; Britt A. Tatum, Fayetteville; Martha Cade Thorne, Tarboro; Elizabeth A. Turner, Pink Hill; Sanjay Venkatesh, Raleigh; and Rebecca Elizabeth Wood, Laurinburg.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 1219**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERCENTAGE OF REVENUE CREDITED TO THE DRY-CLEANING SOLVENT CLEANUP FUND THAT MAY BE USED TO PAY COSTS OF ASSESSMENT OR REMEDIATION OF DRY-CLEANING SOLVENT CONTAMINATION THAT OCCURRED PRIOR TO 1 JULY 2001, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, referred to the **Finance Committee** on May 20.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Finance 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 **Finance Committee** and re-refers the measure to the **Agriculture/Environment/Natural Resources Committee**.

Upon motion of Senator Basnight, seconded by Senator Shaw, the Senate adjourns at 4:00 P.M. to meet Wednesday, June 2, at 3:00 P.M.

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#### ONE HUNDRED TWENTIETH DAY

Senate Chamber  
Wednesday, June 2, 2004

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, each day the members of the Senate must deal with uncountable questions and answers. Give them a spirit of discernment in such communications.

"Remind them regarding those with whom they have such conversations that answer people aren't always interested in troubling questions. They can quickly tailor one of their answers to fit about any question.

"And question people aren't always interested in answers. They would prefer to do anything but bring a question to an answerable conclusion. Help them in their dealings with each of these kinds of people.

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"In our matters of personal faith, O God, help us to ask seekers' questions and find believers' answers. Neither second-hand questions nor hand-me-down answers nourish us for very long. Amen."

The Chair grants leaves of absence for today to Senator Carpenter and Senator Carrington.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Tuesday, June 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. Ginette A. Archinal from Morrisville, North Carolina, who is serving the Senate as Doctor of the Day, and to Mary Leonides from Asheville, North Carolina, who is serving the Senate as Nurse of the Day.*

### CALENDAR

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

**S.B. 1033** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT TRANSYLVANIA COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE FOR USE AS CORRECTIONAL FACILITIES.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 8, upon second reading.

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

**S.B. 1079**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON EARNINGS BY RETIRED DEPARTMENT OF TRANSPORTATION ENGINEERS AND ENGINEERING TECHNICIANS, with a favorable report.

Upon motion of Senator Kinnaird, the bill is re-referred to the **Pensions & Retirement and Aging Committee**.

**S.B. 1085**, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES, with a favorable report.

**S.B. 1092**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMPACT, with a favorable report.

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**S.B. 1133**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE VILLAGE OF MISENHEIMER TO ALLOW FOR MUNICIPAL ELECTIONS IN ODD-NUMBERED YEARS, with a favorable report.

**S.B. 1201**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING AND FISHING FROM THE RIGHT-OF-WAY IN ROBESON COUNTY, with a favorable report.

**H.B. 57**, A BILL TO BE ENTITLED AN ACT TO ALLOW RANDOLPH COUNTY TO REAPPOINT MEMBERS OF ITS TOURISM DEVELOPMENT AUTHORITY, with a favorable report.

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

**S.B. 1316**, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF MOUNT PLEASANT, with a favorable report.

**S.B. 1343**, A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE CITY OF WHITEVILLE THE EXISTING DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY OF US HIGHWAYS 74/76 AND 701 AROUND THE OVERPASS AREA TO HELP ACCOMMODATE THE MAINTENANCE REQUIREMENTS OF THE INTERCHANGE LIGHTING PROJECT, with a favorable report.

**H.B. 1465**, A BILL TO BE ENTITLED AN ACT TO ALLOW FARMLAND OWNED BY A FAMILY BUSINESS TO KEEP ITS PRESENT-USE VALUE TAX STATUS WHEN LEASED FOR FARM USE, with a favorable report.

Upon motion of Senator Kerr, the bill is placed on the Calendar for Tuesday, June 8.

**S.B. 1144**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE AN "IN GOD WE TRUST" SPECIAL REGISTRATION PLATE WITH THE PROCEEDS GOING TO THE AUBREY MCLELLAN SOLDIER AND AIRMAN ASSISTANCE FUND FOR FAMILIES OF DEPLOYED NORTH CAROLINA NATIONAL GUARDSMEN, with a favorable report, as amended.

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

**S.B. 1181**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE ALLEGHANY OCCUPANCY TAX, with a favorable report, as amended.

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

By Senator Bingham for the **Health and Human Resources Committee**:

**H.B. 1356**, A BILL TO BE ENTITLED AN ACT TO ENACT THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE OVERSIGHT

June 2, 2004

COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO ADMINISTER SUBSTANCE ABUSE ASSESSMENTS, TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR SUBSTANCE ABUSE ASSESSMENTS, TO STUDY THE MINIMUM QUALIFICATIONS OF INDIVIDUALS CONDUCTING ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOLS, AND TO STUDY THE FEE PAID BY DWI OFFENDERS FOR EDUCATION OR TREATMENT SERVICES, with a favorable report.

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

**S.B. 1148**, A BILL TO BE ENTITLED AN ACT TO PROVIDE SUPPORT AND TRAINING FOR LONG-TERM CARE PROVIDERS CARING FOR RESIDENTS WITH MENTAL ILLNESSES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65451, is adopted and engrossed.

### **SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

House of Representatives  
June 1, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in Senate Amendments No. 1 and 2 to **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, and requests conferees.

Speaker Black has appointed:

Representative McComas, Chair  
Representative Brubaker  
Representative Gibson  
Representative Harrell  
Representative Luebke  
Representative Miner  
Representative Starnes, 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.

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Respectfully,  
S/Denise G. Weeks  
Principal Clerk

House of Representatives  
June 2, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for **H.B. 354**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN, and requests conferees.

Speaker Morgan has appointed:

Representative Insko, Chair  
Representative Ross  
Representative Justus, 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 G. Weeks  
Principal Clerk

**H.J.R. 1435**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES WESLEY "WILLIE" YORK, PROMINENT CIVIC LEADER, VISIONARY BUILDER, AND ENTREPRENEUR.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on today's Calendar.

**CALENDAR** (*continued*)

**H.J.R. 1435**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES WESLEY "WILLIE" YORK, PROMINENT CIVIC LEADER, VISIONARY BUILDER, AND ENTREPRENEUR.

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 Reeves:**

"Thank you, Madame President. The resolution says that Mr. York was a visionary builder of communities and it is so true when you think about all the things that he did. Think about Cameron Village as being one of the first shopping centers thought of in

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the southern parts of the State – of all the states. Think about the work on the 1955 Farmers Market. Think about the Velvet Cloak Inn and Mission Valley. All these things were ideas in this man's mind decades ago. He made them happen. He changed the landscape. He changed the way people lived. He helped Raleigh become a place that greeted its future, much the same way that we find ourselves today when we're wrestling with the changes that we're facing in our State. Mr. York and his family, in the 1950s, 1960s and even on into today, wrestled with what kind of community, what kind of city, what kind of state are we going to be in fifty, sixty, a hundred years from now. He was a visionary builder, I would say a visionary family also because almost all of the members of the family that I've met share that same touch. I only have a couple of anecdotal stories about Mr. York. There are, I'm sure, members of the Senate here that have had personal relationships with him over time. I had the honor, at one point, to go to a homeowners association over at Cameron Village. Some of you may know that there's a housing complex over there close to Cameron Village so I got an invitation to go. I got a call from Mr. York's office to see if I would attend, of course, which I did. And I went, and the room was just completely full of people and Mr. York and his wife were sitting there and I had never really had a lot of conversations with him, but I sat at his table and he asked me very interesting questions about my mother who was from Texas. R. C., you know, meeting her once sometimes is indelible. He apparently had had a really wonderful conversation with her somewhere along the way and asked me questions about her. He asked me questions about my wife and my family. I mean this was a man who was to me, in some ways, kind of far removed but he was paying attention to people like me, on the Raleigh City Council at the time. He cared about his community and for these reasons set out in the resolution, I urge this Chamber's support. Thank you."

**Senator Smith:**

"I could tell you about the York family. As a builder and a developer, I could tell you what vision Willie York had to build Cameron Village which was the largest shopping center in the southeastern United States at its time. I could also tell you many of the other things that Willie York did for the City of Raleigh, but that's not what I'm going to do. I want to tell you what Willie York did for me. As a young boy growing up at the Methodist orphanage on Saint Mary's Street, I can remember them clearing the land for Cameron Village. I can still see that today. I remember how Willie York changed the face of Raleigh. Cameron Village became for my father and my brother and myself our paper route and we carried the News and Observer to four or five hundred people every morning at Cameron Village. That meant a lot to our family at that time. I remember picking the papers up at Kerr Drug, the first Kerr Drug in the State at that time. I remember delivering a paper to Everett Case who lived on Daniels Street in Cameron Village. The change that that Village brought to this City was monumental. But I'll tell you another important thing that the York family did for me and that was I had the privilege to go to school with Willie York's son, Smedes York, who is sitting up in the gallery. Smedes became the Mayor of the City of Raleigh, a leader in our community and at NC State. Smedes and I had a chance to play side-by-side on the football field for

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Needham Broughton High School here in Raleigh and we've been great friends ever since then. So, the Willie York family not only changed for the better by taking great risks to build Cameron Village and the other things that that family built for this City, but the activities and the people in that family have had a profound and lasting effect on my life and for that I will forever be grateful."

**Senator Malone:**

"This resolution captures very well the life of Mr. Willie York as I knew him. He was truly an institution in this community and in this State. Those of us who saw him from a distance always knew him as J. Willie York and it was a long time before I knew the J stood for James. He was a man of good heart because I could attest to several things of quality he did for this community. This resolution says that Mr. York cast the deciding vote to determine the integration of the schools here in the City of Raleigh. I don't think that captures the whole story. The truth is, Mr. York made the motion to have these schools integrated which was a bold thing for a southern gentleman to do almost fifty years ago. But, obviously, he envisioned then that if this community, this State and this City were going to be as great as it needed to be then it had to have a bold leadership. Mr. York was a Wolfpacker at heart. To say that his heart didn't pump red blood you'd be missing something. He dearly loved North Carolina State University and they honored him with the Watauga Medal. I didn't know what that was until I sort of got close to the University, and I believe that is among the highest honors the University bestows upon its distinguished graduates. I remember hearing him say on numerous occasions that we needed to move to make this community, the Triangle area and Raleigh a destination. A destination meaning that people are coming to Raleigh, coming to Wake County, or coming to the Triangle or to Durham and not just passing through. His handprints are on so many things in this community that it would be almost impossible to enumerate those. Obviously, Mr. York was privileged and he shared that privilege with this community. He shared his resources, his wisdom, his vision and his good heart. I can tell you almost without fear of contradiction that if anything good went on in this community, it had a York stamp on it. It became such a reality that a lot of times when people were asked to participate in things, one of the first things they'd want to know – is this something that the York family looks at and says is good? If it wasn't, you might lose some of that support. He instilled in his family that same kind of loyalty and friendship and while we lost Mr. York some two or three months ago, his spirit is going to continue to permeate this community through his family, his son Smedes up here, and I think he probably also has a brother or somebody along with him up there. But it's a good family of folk. And let me just tell you this, I grew up in this community and I can tell you there ain't a whole lot of folk that I'm going to call 'good.'"

**Senator Stevens:**

"Thank you, Madame President and members of the Senate. Remember the commercial a few years ago that when so-and-so spoke, people listen? Well, in Wake County when Willie York spoke, I assure you people listened. You heard him being described as a man of vision. You heard the many, many projects that he was

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involved with and that's just a few of them. This man was a visionary. This family has touched this community, but not just this community. It's touched this State through the University, through the kinds of regional opportunities that they helped develop for all the people of North Carolina. When I was county manager, Mr. York would call me. He was a quiet, soft-spoken man, but when he called you listened to him because he would say, 'I've got an idea for you.' Well, when Mr. York had an idea for you, you paid attention to him because for one, it was going to be a good idea and, number two, it was going to happen anyway so you might as well get ready for it. He came from a great family and led a great family of whom we're all proud. We've heard several references to Smedes and his brother and sister who are here today, but I wanted to tell you what a fine man he was, what he meant to our community and to urge your support for this resolution. Thank you."

**Senator Hargett:**

"Well I'd just like to say that I came to know Mr. York personally from an entirely different perspective than most of the Senators in the Chamber. Of course, I first had heard of Mr. York when he developed Cameron Village and he did a lot of building back in Onslow County around Camp Lejeune where I came from but when I lived here in the 1960s and was attending school at NC State University, I took a job on the side over at the Velvet Cloak as a bartender. I worked private parties – I didn't work the bar per se, but private parties many of which were hosted by Mr. York for his business associates. It was there that I came to meet and to know some folks that I have been able to call on since then for favors and friendships – Snow Holden, the late Charlie Bradshaw, among them. I would just like to say to Smedes and the others up there that I would have to echo everything that has been said. He certainly had an inquiring mind and he was a most interesting individual and I am very proud to have tended bar at the Velvet Cloak. It remains to this day the most favorite job I've ever had and perhaps the only one that I ever knew exactly what I was doing. I commend the resolution to you."

**Senator Rand:**

"Thank you, Madame President and ladies and gentlemen of the Senate. I grew up in Garner and from the earliest times of my memory I knew of Willie York. I think if you lived in this part of the world you were aware of who he was and his influence on the world in which we lived. But when you think back at the time after the Second World War, Cameron Village was as foreign to anything we'd ever seen or dreamed of as the far side of the moon, I guess. It was truly unique and it was an amazing thing for this part of North Carolina. It did so much to identify Raleigh and kind of led the way for Raleigh from being just a small, southern town to really a leader in the South. And so, the influence that he had on the life of all of us was truly unique and then, of course, the family's contribution to North Carolina has been so well documented and spoken of here today. But he was truly an unusual man and it's people like Willie York that have made North Carolina what it is and make us so proud of our State and what it all stands for. We were truly fortunate to have had him as one of those who showed the way for North Carolina and led it through a difficult time in its history. But the contributions he made and the kind of things he did for North Carolina will live with us certainly for generations that will come along after us and we are fortunate to have had him. Thank you."

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**Senator Basnight:**

“Thank you, Madame President and members of the Senate. Willie York loved the water. He loved hunting and he would come to the Outer Banks and do just that. It was a few years ago I was in a setting that we were talking about what we would look like on the Outer Banks, what would our water be like, what would fishing be like, and there was an older man in the audience who said we need Willie York back again and that said a lot about your dad. I recommend the resolution to you.”

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

**APPOINTMENT OF CONFERENCE 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.

Pursuant to the message from the House of Representatives received earlier today that the House fails to concur in Senate Amendments No. 1 and No. 2 for H.B. 1303 and request conferres, Senator Dannelly, Deputy President *Pro Tempore* announces the appointment of Senator Rand, Chair, Senator Hoyle 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.

**CALENDAR** (*continued*)

**S.B. 1339**, A BILL TO BE ENTITLED AN ACT TO BEAUTIFY THE STATE GOVERNMENT MALL AND TO HONOR THE MANY NORTH CAROLINIANS WHO HAVE BEEN AWARDED THE PURPLE HEART MEDAL.

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

**S.B. 1054** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE UNLAWFUL DISTRIBUTION OF METHAMPHETAMINE THAT PROXIMATELY RESULTS IN THE DEATH OF A PERSON IS SECOND DEGREE MURDER, TO MAKE IT AN AGGRAVATING FACTOR TO MANUFACTURE METHAMPHETAMINE IN A LOCATION THAT ENDANGERS A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR THE UNLAWFUL MANUFACTURE OF METHAMPHETAMINE, AND TO INCREASE THE CRIMINAL PENALTY FOR THE POSSESSION OF PRECURSOR SUBSTANCES FOR METHAMPHETAMINE, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, AND TO REQUIRE THE COMMISSION FOR HEALTH SERVICES TO ESTABLISH DECONTAMINATION STANDARDS FOR PROPERTY USED FOR THE MANUFACTURE OF METHAMPHETAMINE.

Upon motion of Senator Dalton, 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. 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, referred to the **Finance Committee** on July 20, 2003.

Pursuant to Rule 47(a), Senator Hoyle offers a motion that the House Committee Substitute bill be withdrawn from the **Finance Committee** and placed on the Calendar for Thursday, June 3, 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 Thursday, June 3, for concurrence in the House 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 Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

**S.B. 1159**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75337, is adopted and engrossed.

**S.B. 1312**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PARTICIPATION IN 457 PLANS BY LOCAL GOVERNMENTAL EMPLOYEES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65452, is adopted and engrossed.

**ADDITIONAL SPONSOR**

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

**S.B. 1240**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO PROVIDE TO PUBLIC SCHOOL PERSONNEL AND TO STATE EMPLOYEES A LEGISLATIVE PAY INCREASE OF FIVE PERCENT AND ESTABLISHING A MINIMUM LIVING WAGE FOR STATE-FUNDED EMPLOYEES.

Upon motion of Senator Basnight, seconded by Senator Hagan, the Senate adjourns subject to reading of messages from the House of Representatives, to meet tomorrow, Thursday, June 3, at 11:00 A.M.

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**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**H.B. 1425** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE BROUGHTON POLICE DEPARTMENT TO ENTER INTO MUTUAL AID AGREEMENTS WITH THE CITY OF MORGANTON POLICE DEPARTMENT AND THE BURKE COUNTY SHERIFF'S OFFICE, AND TO ALLOW THE BROUGHTON POLICE DEPARTMENT TO EXERCISE ITS POWERS AT WESTERN PIEDMONT COMMUNITY COLLEGE.

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

**H.B. 1454** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF CHOCOWINITY.

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

**H.B. 1474** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT YANCEY COUNTY FROM THE PROVISIONS OF CHAPTER 143, ARTICLE 8 OF THE GENERAL STATUTES, FOR PURPOSES OF DEVELOPMENT OF A HEALTH CARE FACILITY IN A PUBLIC-PRIVATE INITIATIVE.

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

**H.B. 1484**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SCHEDULE FOR ELECTION OF THE MERGED SCHOOL BOARD FOR CLEVELAND COUNTY, AS RECOMMENDED BY THE STATE BOARD OF ELECTIONS.

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

**H.B. 1543** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL.

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

**H.B. 1551**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TERMS OF THE MEMBERS OF THE CIVIL SERVICE BOARD OF THE CITY OF ASHEVILLE.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:10 P.M.

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**ONE HUNDRED TWENTY-FIRST DAY**

Senate Chamber  
Thursday, June 3, 2004

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 cannot anticipate the surprises You have in store for us today or whether they will come as intrusions or welcomed events.

"As long as we remember whom we serve, we shall serve You with gladness - prepared for anyone or anything that comes before us. To Your glory we pray, Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, 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. Grant Koher from Chapel Hill, North Carolina, who is serving the Senate as Doctor of the Day.*

**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. 1435**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES WESLEY "WILLIE" YORK, PROMINENT CIVIC LEADER, VISIONARY BUILDER, AND ENTREPRENEUR. (Res. 2004-2)

**REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

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

**S.B. 1118**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN TO PURCHASE RETIRED HIGHWAY PATROL SPECIAL REGISTRATION PLATES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35475, which changes the title to read **S.B. 1118** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO ISSUE A 4-H SPECIAL REGISTRATION PLATE AND A HIGH SCHOOL INSIGNIA PLATE, is adopted and engrossed.

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**S.B. 1254**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE CRIMINAL RECORD CHECKS TO THE RESPIRATORY CARE BOARD FOR APPLICANTS FOR LICENSURE AND TO CHARGE A FEE FOR CONDUCTING THE CHECKS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85353, is adopted and engrossed.

**S.B. 1309**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF APEX TO ENGAGE IN CONDITIONAL ZONING AND TO EXPEND FUNDS ON ROADS OUTSIDE OF ITS 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 75338, is adopted and engrossed.

### CALENDAR

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

**S.B. 1316**, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF MOUNT PLEASANT.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 9, upon second reading.

**S.B. 1181**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE ALLEGHANY OCCUPANCY TAX.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 15, upon second reading.

**S.B. 1343**, A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE CITY OF WHITEVILLE THE EXISTING DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY OF US HIGHWAYS 74/76 AND 701 AROUND THE OVERPASS AREA TO HELP ACCOMMODATE THE MAINTENANCE REQUIREMENTS OF THE INTERCHANGE LIGHTING PROJECT, 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, Carrington, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Holloman, Horton, Hoyle, Hunt, Jenkins, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein and White—46.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 7, upon third reading.

**S.B. 1133**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE VILLAGE OF MISENHEIMER TO ALLOW FOR MUNICIPAL ELECTIONS IN ODD-NUMBERED YEARS.

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

June 3, 2004

**S.B. 1201**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING AND FISHING FROM THE RIGHT-OF-WAY IN ROBESON COUNTY.

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

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

**S.B. 1085**, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

**S.B. 1092**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMPACT.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

**S.B. 1144**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE AN "IN GOD WE TRUST" SPECIAL REGISTRATION PLATE WITH THE PROCEEDS GOING TO THE AUBREY MCLELLAN SOLDIER AND AIRMAN ASSISTANCE FUND FOR FAMILIES OF DEPLOYED NORTH CAROLINA NATIONAL GUARDSMEN.

The bill passes its second (46-0) 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. 1148** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE SUPPORT AND TRAINING FOR LONG-TERM CARE PROVIDERS CARING FOR RESIDENTS WITH MENTAL ILLNESSES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

**S.B. 1159** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS.

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

**S.B. 1312** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PARTICIPATION IN 457 PLANS BY LOCAL GOVERNMENTAL EMPLOYEES.

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

June 3, 2004



**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.

The Senate fails to concur in the House Committee Substitute bill on its second reading by roll-call vote, ayes 0, noes 45, as follows:

Voting in the affirmative: None.

Voting in the negative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carrington, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Holloman, Horton, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein and White—45.

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

#### **APPOINTMENT OF CONFERENCE 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.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 676 and the motion by Senator Hoyle to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Hoyle, Chair; Senator Dalton; Senator Jenkins; 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 and requesting conferees.

Upon motion of Senator Basnight, seconded by Senator Carrington, the Senate adjourns at 12:03 P.M. to meet Monday, June 7, at 7:00 P.M.

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#### **ONE HUNDRED TWENTY-SECOND DAY**

Senate Chamber  
Monday, June 7, 2004

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 Susan E. Kimball, Raleigh, North Carolina, as follows:

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"Ever-present God, we come to you this evening with full hearts. Hearts full of praise for Your many good gifts. Hearts are mourning for the one who led our nation as President and led our world. Hearts full of memory of the sacrifices made on a distant beach in France some 60 years ago.

"We come first and foremost as servants who would be leaders. Let Your wisdom guide these servants who gather to lead our great State. Let our full hearts look to You in all that we do. Let the words of the prophet Micah ring in our hearts as we serve and thus lead, for we hear Micah remind us, 'What does the Lord require of you but to do justice, and to love kindness and to walk humbly with Your God.'

"In the name of the one who guides us to lead through servanthood, Amen."

The Chair grants leaves of absence for tonight to Senator Hartsell, Senator Holloman, Senator Hoyle, Senator Nesbitt and Senator Rand.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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. Kevin D. O'Neal from Cary, North Carolina, who is serving the Senate as Doctor of the Day, and to Sherry Bernardo from Huntersville, 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. 57**, A BILL TO BE ENTITLED AN ACT TO ALLOW RANDOLPH COUNTY TO REAPPOINT MEMBERS OF ITS TOURISM DEVELOPMENT AUTHORITY.

#### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

**S.B. 1083**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES, with a favorable report.

**S.B. 1089**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS FROM LOCAL GOVERNMENTS TO ADVANCE THE CONSTRUCTION SCHEDULE OF TIP PROJECTS, with a favorable report.

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**S.B. 1078**, A BILL TO BE ENTITLED AN ACT TO AMEND THE VEHICLE CONTROL SIGN AND SIGNAL 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 55296, is adopted and engrossed.

**S.B. 1086**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE REAR HIGH MOUNTED FLASHING DECELERATION LAMPS ON PUBLIC TRANSIT 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 55295, is adopted and engrossed.

**S.B. 1090**, A BILL TO BE ENTITLED AN ACT TO EXEMPT MOVEMENT AROUND EMERGENCY VEHICLES FROM HOV LANE RESTRICTIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15287, which changes the title to read **S.B. 1090** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM HOV LANE RESTRICTIONS MOVEMENT AROUND EMERGENCY VEHICLES, DISABLED VEHICLES, OR DEBRIS, is adopted and engrossed.

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

**S.B. 1145**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING 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 65454, is adopted and engrossed.

**S.B. 1305**, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY VARIOUS TOWNS IN WAKE 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 65453, which changes the title to read **S.B. 1305** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY VARIOUS MUNICIPALITIES, is adopted and engrossed.

### CALENDAR

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

**S.B. 1118** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO ISSUE A 4-H SPECIAL REGISTRATION PLATE AND A HIGH SCHOOL INSIGNIA PLATE.

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Upon motion of Senator Dannelly, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, June 8.

**S.B. 1254** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE CRIMINAL RECORD CHECKS TO THE RESPIRATORY CARE BOARD FOR APPLICANTS FOR LICENSURE AND TO CHARGE A FEE FOR CONDUCTING THE CHECKS.

Upon motion of Senator Dannelly, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, June 8.

**S.B. 1343**, A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE CITY OF WHITEVILLE THE EXISTING DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY OF US HIGHWAYS 74/76 AND 701 AROUND THE OVERPASS AREA TO HELP ACCOMMODATE THE MAINTENANCE REQUIREMENTS OF THE INTERCHANGE LIGHTING PROJECT, 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, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Horton, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Reeves, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein and White—44.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

**S.B. 1309** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF APEX TO ENGAGE IN CONDITIONAL ZONING AND TO EXPEND FUNDS ON ROADS OUTSIDE OF ITS CORPORATE LIMITS.

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

Catherine Allran, Hickory; Alexis C. Board, Hope Mills; Kathryn M. Bowen, Pantego; Jason E. Bowles, Mocksville; Sarah Rebekah Brooks, Gastonia; Kiira M. Campbell, Durham; Trey Braxton Creech, Newport; Carmille Early, Goldsboro; Hal Garrison, Fayetteville; Andrew Paul Getty, Newport; Sarah Ashley Gordon, Durham; Danielle Marie Harris, Wendell; Joshua V. Hattem, Chapel Hill; Savon M. Hubbard, Durham; Morgan T. Jones, Durham; Ian Kinlaw, Ahoskie; Robert Harrison Lassiter, Jr., Winston-Salem; Grayland M. Marsh, Rocky Mount; William Aubrey McDaniel IV, Whitakers; Cole Beasley Phillips, Kenansville; Jennifer Alyson Pilkington, Concord; Gregory Scott Roach, Raleigh; John Bryan Stilley III, Enfield; Elisabeth Whitten Stone, Eden; Matthew David Taylor, Raleigh; Casey Welch, Gastonia; Katharine Elizabeth West, Raleigh; and Alonza Benjamin Yancey, Jr., Garner.

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**ADDITIONAL SPONSOR**

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

**S.B. 1064**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, AND THE PRESERVATION OF NATURAL HERITAGE.

Upon motion of Senator Basnight, seconded by Senator Weinstein, the Senate adjourns at 7:28 P.M. in memory of The Honorable Ronald Wilson Reagan, 40th President of the United States, who passed away June 5, 2004, to meet tomorrow, Tuesday, June 8, at 3:00 P.M.

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**ONE HUNDRED TWENTY-THIRD DAY**

Senate Chamber  
Tuesday, June 8, 2004

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 Susan E. Kimball, Raleigh, North Carolina, as follows:

"Loving God, let there be a way of walking that harms not the earth, a way of having that leaves plenty for others, a time for tears that dissolves grief, a time for kindness that heals many wounds, a path of peacemaking that settles strife, a path of justice-seeking that creates hope.

"Loving God, let there be a season of faithfulness, a promise of eternity, a way to be living and a song for singing. Amen."

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Monday, June 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 Pro Tempore extends courtesies of the floor to Mary Jane Walters from Charlotte, North Carolina, who is serving the Senate as Nurse of the Day.*

**CHAPTERED BILL**

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

June 8, 2004

**H.B. 57**, AN ACT TO ALLOW RANDOLPH COUNTY TO REAPPOINT MEMBERS OF ITS TOURISM DEVELOPMENT AUTHORITY. (Became law upon ratification, June 7, 2004 - S.L. 2004-3.)

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

**S.B. 1167**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAWS ON THE POWERS OF CONDOMINIUM UNIT OWNERS' ASSOCIATIONS AND PLANNED COMMUNITY OWNERS' ASSOCIATIONS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

By Senator Soles for the **Commerce Committee**:

**S.B. 1191**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COLUMBUS COUNTY PRISON BE CONSTRUCTED IN ACCORDANCE WITH THE SAME NORTH CAROLINA STATE BUILDING CODE UNDER WHICH THE PRISONS IN SCOTLAND, ANSON, ALEXANDER, GREENE, AND BERTIE COUNTIES WERE CONSTRUCTED, with a favorable report.

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

**S.B. 1064**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, AND THE PRESERVATION OF NATURAL HERITAGE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35476, which changes the title to read **S.B. 1064** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, THE PRESERVATION OF NATURAL HERITAGE, AND CLEAN WATER CONSERVATION, AND TO USE FUNDS CURRENTLY DEDICATED TO THESE PURPOSES TO REPAY THE INDEBTEDNESS; AND TO REQUIRE THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY TO ALLOCATE FUNDS GEOGRAPHICALLY ACROSS THE STATE, is adopted and engrossed.

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

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

**S.B. 1219**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERCENTAGE OF REVENUE CREDITED TO THE DRY-CLEANING SOLVENT CLEANUP FUND THAT MAY BE USED TO PAY COSTS OF ASSESSMENT OR

June 8, 2004

REMEDICATION OF DRY-CLEANING SOLVENT CONTAMINATION THAT OCCURRED PRIOR TO 1 JULY 2001, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

**S.B. 1270**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF THE LOWER HAW RIVER STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65455, which changes the title to read **S.B. 1270** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF THE LOWER HAW RIVER STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, AND TO DIRECT THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE FEASIBILITY AND DESIRABILITY OF ESTABLISHING A STATE RECREATION AREA AT BLEWETT FALLS LAKE, 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 Horton; Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hunt, Jenkins, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Reeves, Rucho, Shaw, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Weinstein and White:

**S.J.R. 1438**, A JOINT RESOLUTION COMMEMORATING THE LIFE AND ACCOMPLISHMENTS OF RONALD WILSON REAGAN, 40TH PRESIDENT OF THE UNITED STATES OF AMERICA.

Referred to the **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:

**H.B. 1414** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE.

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

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

June 8, 2004

**H.B. 1420**, A BILL TO BE ENTITLED AN ACT TO EXTEND TO LOCAL GOVERNMENTS ACTING JOINTLY THE SAME SETOFF DEBT COLLECTION PROCEDURES CURRENTLY ALLOWED TO LOCAL GOVERNMENTS ACTING ALONE.

Referred to the **Finance Committee**.

**H.B. 1430** (Committee Substitute), 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 the **Finance Committee**.

**H.B. 1444** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING JOB DEVELOPMENT INVESTMENT GRANT (JDIG) PROGRAM AGREEMENTS TO CONTAIN A PROVISION ENCOURAGING THE USE OF SMALL BUSINESSES HEADQUARTERED IN NORTH CAROLINA.

Referred to the **Finance Committee**.

**H.B. 1456** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE A SPECIFIED PERCENTAGE OF AT-RISK FUNDS FOR SERVICES TO STUDENTS WHO ARE SUSPENDED FROM SCHOOL FOR MORE THAN TEN DAYS.

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

**H.B. 1471**, A BILL TO BE ENTITLED AN ACT TO DEANNEX TWO DESCRIBED PARCELS FROM THE CORPORATE LIMITS OF THE TOWN OF BAKERSVILLE.

Referred to the **Finance Committee**.

**H.B. 1475**, A BILL TO BE ENTITLED AN ACT TO ANNEX THE ALBEMARLE CORRECTIONAL INSTITUTION TO THE TOWN OF BADIN.

Referred to the **Finance Committee**.

**H.J.R. 1544**, A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT TERMINATING THE PARENTAL RIGHTS OF A PARENT WHO MURDERS THE OTHER PARENT OF THE CHILD.

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

**H.B. 1547** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE OUTSIDE ITS JURISDICTION AND TO GRANT SEVERABLE DEVELOPMENT RIGHTS WITHIN ITS JURISDICTION.

Referred to the **Finance Committee**.

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**H.B. 1553**, A BILL TO BE ENTITLED AN ACT TO RATIFY THE BOUNDARIES OF THE TOWN OF GRIMESLAND BASED ON A NEW SURVEY ALONG THE EXISTING COMMONLY RECOGNIZED BOUNDARY.

Referred to the **Finance Committee**.

**H.B. 1564**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING THE CHARLOTTE REGIONAL VISITORS AUTHORITY.

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

**H.B. 1569**, A BILL TO BE ENTITLED AN ACT REPEALING THE AUTHORITY OF COLUMBUS COUNTY AND THE MUNICIPALITIES LOCATED WITHIN THAT COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES.

Referred to the **Finance Committee**.

**H.B. 1574** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF THE LOWER HAW RIVER STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, AND TO DIRECT THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE FEASIBILITY AND DESIRABILITY OF ESTABLISHING A STATE RECREATION AREA AT BLEWETT FALLS LAKE.

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

**H.B. 1604**, A BILL TO BE ENTITLED AN ACT TO AMEND THE GREENSBORO CITY CHARTER TO INCREASE THE AUTHORITY OF THE CITY MANAGER TO SETTLE CLAIMS AGAINST THE CITY FROM FIFTY THOUSAND DOLLARS TO THREE HUNDRED THOUSAND DOLLARS.

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

**H.B. 1607** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE A PORTION OF HEMLOCK BLUFFS STATE NATURAL AREA FROM THE STATE NATURE AND HISTORIC PRESERVE AND THE STATE PARKS SYSTEM TO PROVIDE A RIGHT-OF-WAY FOR THE WIDENING OF KILDAIRE FARM ROAD IN THE TOWN OF CARY, AND TO REMOVE THE HORNE CREEK LIVING HISTORICAL FARM LOCATED WITHIN PILOT MOUNTAIN STATE PARK FROM THE STATE PARKS SYSTEM IN ORDER TO ALLOW THE PROPERTY TO BE REALLOCATED TO THE DEPARTMENT OF CULTURAL RESOURCES FOR USE AS A STATE HISTORIC SITE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

June 8, 2004

**H.B. 1608** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GREENSBORO CITY CHARTER SO THE CITY CAN FOLLOW THE GENERAL LAW ON NOTICE OF ADOPTION OF ORDINANCES.

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

**H.B. 1614**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LENOIR COUNTY ABC BOARD MAY MAKE ANNUAL RATHER THAN QUARTERLY DISTRIBUTIONS OF THE PROCEEDS FROM THE ABC SYSTEM.

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

**H.B. 1640** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DARE COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER LOCAL GOVERNMENTAL EMPLOYEES.

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

**H.B. 1666**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF GARNER 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 the **State Government, Local Government, and Veterans' Affairs Committee**.

#### WITHDRAWAL FROM COMMITTEE

**S.J.R. 1438**, A JOINT RESOLUTION COMMEMORATING THE LIFE AND ACCOMPLISHMENTS OF RONALD WILSON REAGAN, 40TH PRESIDENT OF THE UNITED STATES OF AMERICA, referred to the **Rules and Operations of the Senate Committee** today.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Wednesday, June 9, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Wednesday, June 9.

#### CALENDAR

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

**S.B. 1060**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

June 8, 2004

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 15, upon third reading.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 1228**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS, referred to the **Rules and Operations of the Senate Committee** on May 24, 2004.

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. 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 the **Commerce Committee** on March 26, 2003.

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**.

**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 the **Education/Higher Education Committee** on April 24, 2003.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute 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 Committee Substitute bill withdrawn from the **Education/Higher Education Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

#### CALENDAR *(continued)*

**S.B. 1305** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY VARIOUS MUNICIPALITIES, 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, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett,

June 8, 2004

Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein and White—50.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, June 9, upon third reading.

**S.B. 1033** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT TRANSYLVANIA COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE FOR USE AS CORRECTIONAL FACILITIES.

The Committee Substitute bill passes its second (50-0) 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, 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. 1223**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS 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 75341, is adopted and engrossed.

### CALENDAR *(continued)*

**S.B. 1145** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, 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, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein and White—50.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, June 9, upon third reading.

**S.B. 1078** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE VEHICLE CONTROL SIGN AND SIGNAL LAW.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

June 8, 2004

**S.B. 1083**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

**S.B. 1086** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE REAR HIGH MOUNTED FLASHING DECELERATION LAMPS ON PUBLIC TRANSIT VEHICLES.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

**S.B. 1089**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS FROM LOCAL GOVERNMENTS TO ADVANCE THE CONSTRUCTION SCHEDULE OF TIP PROJECTS.

The bill passes its second (50-0) 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, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

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

**S.B. 1124**, A BILL TO BE ENTITLED AN ACT TO AMEND THE STRUCTURED SENTENCING LAWS WITH REGARD TO POST-RELEASE SUPERVISION AS RECOMMENDED BY THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY 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 75340, is adopted and engrossed.

### CALENDAR *(continued)*

**S.B. 1090** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM HOV LANE RESTRICTIONS MOVEMENT AROUND EMERGENCY VEHICLES, DISABLED VEHICLES, OR DEBRIS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

### APPOINTMENT OF CONFERENCE COMMITTEE

**H.B. 354** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE DISABILITY INCOME PLAN.

June 8, 2004

Pursuant to the message from the House of Representatives received on June 2 that the House fails to concur in the Senate Committee Substitute bill for House Bill 354 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Purcell, Chair, 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.

#### CALENDAR *(continued)*

**S.B. 1118** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO ISSUE A 4-H SPECIAL REGISTRATION PLATE AND A HIGH SCHOOL INSIGNIA PLATE.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

**S.B. 1254** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE CRIMINAL RECORD CHECKS TO THE RESPIRATORY CARE BOARD FOR APPLICANTS FOR LICENSURE AND TO CHARGE A FEE FOR CONDUCTING THE CHECKS.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

**H.B. 1465**, A BILL TO BE ENTITLED AN ACT TO ALLOW FARMLAND OWNED BY A FAMILY BUSINESS TO KEEP ITS PRESENT-USE VALUE TAX STATUS WHEN LEASED FOR FARM USE.

The bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

#### 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:**

“Ladies and gentlemen of the Senate, with the last weekend Memorial Day, some wonderful things were said on the Senate floor. I believe last year, in honor of Memorial Day, I recited the poem 'In Flanders Field,' which was part of the Memorial Day ceremony in World War I. Today I'd like to share something with you that has really affected me. I'm sure all of you have been to a military funeral before and heard the haunting melody, 'Taps.' Have any of you ever thought about how 'Taps' originated? Well the story goes like this:

“It began in 1862 in the Civil War, when Union Army Captain Robert Ellicombe was with his men near Harrison's Landing in Virginia. The Confederate Army was on the other side on this narrow strip of land. During the night, Captain Ellicombe

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heard the moans of a soldier who lay severely wounded on the field. Not knowing if it was a Union or a Confederate soldier, the Captain decided to risk his life and crawl out of the battlefield to bring the stricken man back for medical attention. Crawling on his stomach through the gunfire, the Captain reached the stricken soldier and pulled him toward his encampment. When the Captain reached his own line, he discovered that it was a Confederate soldier and the soldier was dead.

“The Captain lit a lantern and went numb with shock. In the dim light, he saw the face of the soldier. It was his own son. The boy had been studying music in the South when the war broke out, and without telling his father, the boy enlisted in the Confederate Army.

“The following morning, heartbroken, the father asked permission from his superiors to give the son a full military burial, despite his enemy status. This request was only partially granted. The Captain then asked if he could have a group of Army band members play a funeral dirge for his son at the funeral. The request was turned down since the soldier was a Confederate. But, out of respect for the father, they did say he could have one musician. The Captain chose a bugler.

“He asked the bugler to play a series of notes and words he had found on a piece of paper in the pocket of the dead youth’s uniform. The wish was granted.

“The haunting melody that we now know as ‘Taps’ used at military funerals was born, and I’d like to read the words. I don’t know if any of you know the full words of ‘Taps.’ The words go like this:

‘Day is done, gone the sun,  
From the lakes, from the hills  
From the sky.  
All is well, safely rest, God is nigh.  
Fading light dims the sight,  
And a star gems the sky,  
Gleaming bright from afar,  
Drawing nigh falls the night.  
Thanks and praise for our days,  
'Neath the sun, 'neath the stars, 'neath the sky.  
As we go this we know, God is nigh.’

“I hope that our troops that are lost or harmed while serving in the military are well remembered, and I ask for all of you to pray for our soldiers. Thank you.”

#### **PERSONAL PRIVILEGE**

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

#### **Senator Malone:**

“Thank you very much, Mr. President, ladies and gentlemen of the Senate. I was moved several days ago when Senator Horton spoke reverently about Memorial Day and he articulated some other issues of history, things that have changed the face of

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America. I want to simply remind us of another very significant event that took place 50 years ago. That's when the Supreme Court of the United States ruled in the Brown decision. Very little in the lives of most of you sitting in this room, in this Chamber, was changed more than that decision did for America. It changed the face of America. It set the course for me and my grandchildren and my great-grandchildren and my great-great-grandchildren for years to come. Fifty years ago this happened, and as historic and revolutionary as it was for the Supreme Court of the United States to make that decision, I find it difficult for me to let that pass unrecognized on that celebration. There were several instances when it was celebrated around this State and in this City and around this Nation, but we were rather silent on it here in this Chamber. Some of you will know, historically, that a block east, south of where we sit there was an effort on the part of the General Assembly of the State of North Carolina to circumvent that decision. But it did not come to fruition and it did not change the course of history. I don't come with a resolution, I don't ask for a moment of silence. I don't ask for anything except to bring it to attention, Mr. President, that that was an occasion and the lives of many citizens in this City, in this State, and across the Nation were changed as a result of that and it was changed for the better. Thank you very much."

Upon motion of Senator Dannelly, seconded by Senator Shaw, the Senate adjourns at 4:05 P.M. to meet tomorrow, Wednesday, June 9, at 3:00 P.M.

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#### ONE HUNDRED TWENTY-FOURTH DAY

Senate Chamber  
Wednesday, June 9, 2004

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 Susan E. Kimball, Raleigh, North Carolina, as follows:

"Creator God, with an artist's hand and an artist's eye for beauty, You formed a garden to cradle our race. With an architect's sense of proportion, You plotted the seas and the prairies. With ingenuity surpassing that of the finest engineers, You balanced and connected every element in the design of life. For this we are truly thankful.

"Each day, we seek to find our place in Your thoughtful creation. Let Your creative spirit guide the women and men gathered here as they carry out the tasks that have been entrusted to them. May they wield the powers vested in them with integrity and resourcefulness. You have given us charge of the works of Your hands, Creator God. Guide all that we do so that at the close of the day we might hear, 'Well done, thy good and faithful servant.' Amen."

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Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, June 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. Walter L. Wright from Kinston, North Carolina, who is serving the Senate as Doctor of the Day, and to Kelly Cobb from Yanceyville, North Carolina, who is serving the Senate as Nurse of the Day.*

### ENROLLED BILL

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

**H.B. 1465**, AN ACT TO ALLOW FARMLAND OWNED BY A FAMILY BUSINESS TO KEEP ITS PRESENT-USE VALUE TAX STATUS WHEN LEASED FOR FARM USE.

### CALENDAR

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

**S.B. 1305** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY VARIOUS MUNICIPALITIES, 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, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Weinstein and White—49.

Voting in the negative: None.

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

**S.B. 1316**, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF MOUNT PLEASANT, upon second reading.

Upon motion of Senator Hartsell, the bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

**S.B. 1145** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, 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, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett,

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Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Weinstein and White—49.

Voting in the negative: None.

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

### REPORTS OF COMMITTEES

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

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

**S.B. 1233**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF PINEBLUFF TO CONVEY TO ADJACENT PROPERTY OWNERS TROLLEY EASEMENTS AT PRIVATE NEGOTIATED SALE, with a favorable report.

**S.B. 1279**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ROCKINGHAM COUNTY BOARD OF COMMISSIONERS TO CONTRACT WITH BOTH THE TOWN OF MAYODAN FIRE DEPARTMENT AND THE TOWN OF MADISON FIRE DEPARTMENT TO PROVIDE FIRE PROTECTION SERVICES IN THE M & M FIRE DISTRICT, with a favorable report.

**S.B. 1288**, A BILL TO BE ENTITLED AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY, with a favorable report.

**H.B. 1447**, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF GREENVILLE AND THE TOWN OF WAYNESVILLE, with a favorable report.

**H.B. 1474** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT YANCEY COUNTY FROM THE PROVISIONS OF CHAPTER 143, ARTICLE 8 OF THE GENERAL STATUTES, FOR PURPOSES OF DEVELOPMENT OF A HEALTH CARE FACILITY IN A PUBLIC-PRIVATE INITIATIVE, with a favorable report.

**H.B. 1604**, A BILL TO BE ENTITLED AN ACT TO AMEND THE GREENSBORO CITY CHARTER TO INCREASE THE AUTHORITY OF THE CITY MANAGER TO SETTLE CLAIMS AGAINST THE CITY FROM FIFTY THOUSAND DOLLARS TO THREE HUNDRED THOUSAND DOLLARS, with a favorable report.

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**H.B. 1666**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF GARNER 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.

**S.B. 1161**, A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY INSTALLATIONS TO GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY INSTALLATIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75339, which changes the title to read **S.B. 1161** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY BASES TO GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY BASES, is adopted and engrossed.

The Senate recesses at 3:25 P.M. for the purpose of an Appropriations/Base Budget 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 E. Perdue, Lieutenant Governor.

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

### 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. 1356**, A BILL TO BE ENTITLED AN ACT TO TRANSFER CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE TO THE TOWN OF WHITSETT, SUCH PROPERTY BEING TOTALLY SURROUNDED BY THE TOWN OF WHITSETT, with a favorable report.

**S.B. 1414**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN CERTAIN MEDICAL BOARD FEES, with a favorable report.

**H.B. 1448**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT SELLERS BE PROVIDED WITH NOTICE AND A SIXTY-DAY PERIOD TO

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RESPOND TO A REQUEST FOR A REFUND OF OVER-COLLECTED SALES OR USE TAXES BEFORE A PURCHASER MAY BRING A CAUSE OF ACTION AGAINST THE SELLER, with a favorable report.

**H.B. 1497**, A BILL TO BE ENTITLED AN ACT TO ADOPT A FLAT COLLECTION ASSISTANCE FEE UNDER THE SETOFF DEBT COLLECTION ACT, with a favorable report.

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

**S.B. 1064** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, THE PRESERVATION OF NATURAL HERITAGE, AND CLEAN WATER CONSERVATION, AND TO USE FUNDS CURRENTLY DEDICATED TO THESE PURPOSES TO REPAY THE INDEBTEDNESS; AND TO REQUIRE THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY TO ALLOCATE FUNDS GEOGRAPHICALLY ACROSS THE STATE, 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, 75342, which changes the title to read **S.B. 1064** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, THE PRESERVATION OF NATURAL HERITAGE, AND CLEAN WATER CONSERVATION, TO USE FUNDS CURRENTLY DEDICATED TO THESE PURPOSES TO REPAY THE INDEBTEDNESS, AND TO REQUIRE THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY TO ALLOCATE FUNDS GEOGRAPHICALLY ACROSS THE STATE; AND TO MAKE CLARIFYING CHANGES, is adopted and engrossed.

#### **CALENDAR** *(continued)*

**S.B. 1124** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STRUCTURED SENTENCING LAWS WITH REGARD TO POST-RELEASE SUPERVISION AS RECOMMENDED BY THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION.

Upon motion of Hartsell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 16, upon second reading.

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

**S.B. 1167**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAWS ON THE POWERS OF CONDOMINIUM UNIT OWNERS' ASSOCIATIONS AND PLANNED COMMUNITY OWNERS' ASSOCIATIONS 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.

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**WITHDRAWAL FROM COMMITTEE**

**S.B. 1070**, 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 May 13, 2004.

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**.

**CALENDAR** *(continued)*

**S.B. 1191**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COLUMBUS COUNTY PRISON BE CONSTRUCTED IN ACCORDANCE WITH THE SAME NORTH CAROLINA STATE BUILDING CODE UNDER WHICH THE PRISONS IN SCOTLAND, ANSON, ALEXANDER, GREENE, AND BERTIE COUNTIES WERE CONSTRUCTED.

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

**S.B. 1219**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERCENTAGE OF REVENUE CREDITED TO THE DRY-CLEANING SOLVENT CLEANUP FUND THAT MAY BE USED TO PAY COSTS OF ASSESSMENT OR REMEDIATION OF DRY-CLEANING SOLVENT CONTAMINATION THAT OCCURRED PRIOR TO 1 JULY 2001, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

**S.B. 1223** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION.

Senator Hoyle 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. 1270** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF THE LOWER HAW RIVER STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, AND TO DIRECT THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE FEASIBILITY AND DESIRABILITY OF ESTABLISHING A STATE RECREATION AREA AT BLEWETT FALLS LAKE.

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

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**WITHDRAWAL FROM CALENDAR**

**S.B. 1064** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, THE PRESERVATION OF NATURAL HERITAGE, AND CLEAN WATER CONSERVATION, TO USE FUNDS CURRENTLY DEDICATED TO THESE PURPOSES TO REPAY THE INDEBTEDNESS, AND TO REQUIRE THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY TO ALLOCATE FUNDS GEOGRAPHICALLY ACROSS THE STATE; AND TO MAKE CLARIFYING CHANGES, placed on the Calendar for tomorrow, Thursday, June 10, upon second reading.

Senator Hagan offers a motion that the Committee Substitute bill No. 2 be withdrawn from the Calendar for Thursday, June 10, and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the Calendar for Thursday, June 10 and places it on today's Calendar, upon second reading.

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

**CALENDAR** *(continued)*

**S.J.R. 1438**, A JOINT RESOLUTION COMMEMORATING THE LIFE AND ACCOMPLISHMENTS OF RONALD WILSON REAGAN, 40TH PRESIDENT OF THE UNITED STATES OF AMERICA.

Upon motion of Senator Horton, 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 Horton:**

“At about this moment, an airplane is circling over Washington, D.C., bearing for the last time the body of our fortieth President. As I say, it will be his last visit to Washington. Once the plane has landed, it will find the casket is removed and placed on a caisson to be pulled to the safe to the Capitol itself where the casket will be placed on a court catafalque—the same catafalque incidentally that was used for the body of Abraham Lincoln, of McKinley, and for John Fitzgerald Kennedy. I only met him once and that was when I was given the opportunity and obligation, I guess, of introducing him to our Fifth District Convention, and that was hardly a meeting, as those of us in this game know. These are just handshakes and nice words and that’s all. That was in 1976, but he affected me greatly even before that and I suspect many of you here. He changed his party registration from Democrat to Republican in 1962, and when the Goldwater campaign came along in 1964, he was very involved. Indeed, his eloquence was the one memorable thing in that whole affair. Everybody knew, of course, that Goldwater was a lost cause, but you know we Southerners have always had a special fondness for lost causes. The one thing that stands out in the campaign was what was called ‘The Speech.’ It was his first

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attempt in national politics. Many of you probably remember it, too. I know up in my neck of the woods, people were phoning around all weekend before election day trying to pick up enough money to run 'The Speech' again. 'The Speech' brought him forward into national politics. What he was saying in the speech and whatever else he has done was something that touched the South especially. Our traditional love of limited government, of states' rights, of religion, of a strong national defense, were his principle efforts and, finally, he freed the South and the West from our domination, we as Republicans, by those doggone folks in New England whose shriveled values and ... conservatism that kept up back so long. He did not speak their language, nor them his, because his belief that government is not the solution—it is the problem, and that spoke to us as well. Mr. Darrell Malcolm, who is the assistant to Senator Webster, has painted a picture of President Reagan and his wife, Nancy, that we would like to share with you at this point and let me mention that he was known for his upbeat personality, congeniality, but in addition to an inflexible determination to do what is right. When the air controllers illegally struck because they thought we couldn't do without them, he simply fired 13,000. That was one of the first acts of his Presidency. When he was President, probably as Governor of California, and the President of the University at Berkeley failed to control the radicals, who as you know at that point were running roughshod, he fired that President. He found the fortitude to do what needed to be done in his determination. History will probably record his opposition to Communism as his greatest achievement. There he was up against a regime that had taken over the empire of the Czars and replaced an ... of Communism there. They had taken over after World War II. All of Eastern Europe – the ancient capitals of Prague and Budapest were gone behind the Iron Curtain. He upped our efforts in national defense. Star Wars and so forth were beginning to outspend the opposition to the point that finally Gorbachev realized that he could not keep up. The Iron Curtain was literally torn down, those gates in Brandenburg Gate in Berlin. You recall the vivid pictures of people on top of that wall cheerfully breaking it down bit by bit. And no one more than Ronald Reagan was responsible for the end of the Communist threat to freedom everywhere. Baroness Thatcher said in the London Globe yesterday, 'Ronald Reagan had a higher claim than any other leader to have won the Cold War for liberty. To have achieved so much against such odds and with such humor and humanity made Ronald Reagan a truly great American hero.' And that he was. When that wall fell and freedom was given to the various nations in Eastern Europe, he freed more than 158 million souls without a shot being fired. If there's anything that explains perhaps their willingness to work with our own nation in Iraq, I think that would be proof enough of their realization of to whom they owe so much of the freedom they have now. Probably, we do remember his mention that he had Alzheimer's disease and was ending a long, long journey, but let me mention to you what he said when he left Washington, having left office with two terms behind him. Reagan said, 'Whatever else history may say about me when I am gone, I hope it will record that I appealed to your best hopes, not your worst fears; to your confidence rather than your doubts. My dream is that you will tread the road ahead with Liberty's lamp guiding your steps, an opportunity's arm steadying your way.' Madame President, I move the adoption of the resolution."

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**Senator Forrester:**

“Thank you, Madame President. It is certainly a sad day here in North Carolina and throughout the United States with our flags at half-mast as we mourn the loss of Ronald Reagan, the fortieth President of the United States. He was one of our great leaders of our century. He was a giant of a leader. He believed in the ultimate triumph of freedom and Democracy. Beloved by both political parties, as he belonged to both in the past, he was a very compassionate, conservative person who always put his country, America, first. He had a very relaxed and cheerful temperament – a real gentleman, with a smile and twinkle in his eye. You got what you saw when you saw Ronald Reagan. He was a man of great principle and great vision. He made us all, I think, proud to be Americans, and he always gave us a reason for hope, which we really needed at that time when he was President. I think he revived Patriotism in our Country. He restored pride in our Country, pride in our military, pride in our flag, which we so needed. He acted like, looked like, and talked like, a President. He dealt with others with fairness, kindness and gracefulness. We felt like he was one of us. He related to the average person. He was one of the most beloved Presidents in our Country. He was a very optimistic President. He always had a vision of what the world could become and it could become better, and he always gave us reason for hope. He always looked at the glass as being half-full rather than half-empty. He was a very religious man but didn’t really express this outwardly. He learned this at the lap of his mother. He was very concerned about people and children. In fact, there is one episode related when he came to North Carolina to give a speech and he heard two of his aids talking about a group of blind children over on the side. He said, ‘I’d like to talk with the children when we’re through with this speech, but I don’t want the press around.’ And so, after the speech, one of his aids asked the children to stay there. He got on his bus with his entourage, and all the press got in their cars, and they drove off. But he slipped off his bus and went over and talked to these blind children and told them he was the President of the United States and asked them about who they were and how old they were. And then he asked them, ‘Would you like to feel my face, to see me?’ And he knelt down, and let these children feel his face. This was the kind of man that Ronald Reagan was. He focused on broad goals and gave detailed minutia to other people he delegated things to. He believed in the core principles of less government, less taxes, free-enterprise system, less regulations, individual freedoms with individual responsibility and supporting traditional family values. He loved his wife, Nancy, she’s in the picture there, you see, and his family; and they loved him. As Senator Horton said, his greatest accomplishment was when he won the Cold War against the Evil Empire without a single shot ever being fired and he did that by the use of our economic power, building up our military in the United States. During his eight years of presidency, he did a lot of other things, too. He lowered taxes. During those eight years and some years following that, we had a great economic recovery and expansion in our country. He named the Martin Luther King holiday as an official federal holiday. He appointed the first woman to the Supreme Court, Sandra Day O’Connor. He fired the air-traffic controllers when they went on strike and that got the attention of many world leaders in the world – knowing this man really means business when he talked about something. That was Ronald Reagan. What do I remember about

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Ronald Reagan? Yes, I remember his jellybeans, as many of us do, and his quotes that he had – he really had a great sense of humor. He was very similar, I think, to Abraham Lincoln, who used that humor to relax people. He had a lot of great one-liners. He used metaphors and stories. A lot of these stories were about himself. He made fun of himself in front of the government. And we remember quotes like, ‘Win one for the Gipper,’ from a movie he was in and, ‘The best is yet to come.’ And, ‘The best view of government is in the rearview mirror as you are driving away from it.’ And, ‘The government’s view of the economy could be summed up in a few short phrases, If it moves – tax it, if it keeps moving – regulate it, and if it stops moving – subsidize it.’ These are things that Ronald Reagan would say that appealed to many people. But who could ever forget watching on television as he pointed toward the Berlin Wall and said, ‘Mr. Gorbachev, tear down this wall.’ That always rings in my mind and probably in your mind as what a strong person he was. He certainly, as we know, was an actor. He always had good timing. I heard one commentator comment that he timed his funeral at the same time as they had an economic summit here in the United States so he’d have a good attendance at his funeral. I don’t believe that to be true, but that was Ronald Reagan. He left us a lasting legacy. He made me proud to be an American and, hopefully, made you proud to be an American. He talked about the shining city on a hill that he was going to go to someday, where I’m sure he is now. We thank you, Lord, for what you have given us in the life of Ronald Reagan. We thank you for what you have taken away and we thank you for what you have left us in his legacy. You have given us faith and hope for a brighter tomorrow. Ronald Wilson Reagan, thank you for changing the world for the better.”

**Senator Allran:**

“Thank you, Madame President and members of the Senate. This past Saturday I remember where I was when I found out that President Reagan had passed away and probably many of you do, too, and will always remember. I was in a restaurant in Ocracoke, Senator Basnight, with my daughter, Catherine, who is a page this week. I got a call, first of all, from my older daughter who is in college, to tell me that President Reagan had passed away. After that I got a call from my wife who told me the same thing. And I guess what really impressed me so much was that my older daughter, who doesn’t really care at all about politics, is an artist, cared enough to know how important this was to me and that Ronald Reagan is just a very special person even if you weren’t even born – she was not born when he was first elected. But in 1980, when he was running, prior to that, in the late ‘70s, when we had double-digit inflation and interest rates that were double-digits and the hostages in Iran, I remember thinking as somebody who had just gotten married, that Judy and I used to say, you know, we’re never going to be able to own a house with the way the interest rates are. Things seemed so bleak. But in 1980, he was elected and the day he was inaugurated, the hostages in Iran were set free and the economy seemed to pick up very quickly. He was elected the first year I was elected with the State House so I came in with that group as a few of the people here. What he meant to people, I think, to me and so many other people, was personal hope and hope for the nation, national pride, idealism, dignity, honor and, as it’s been said, he dared to cast the world vision in terms of good and evil. He dared to call the Soviet Empire the ‘Evil Empire. He got

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together with the Pope and had a lot of private negotiations that were going on internationally with the Pope, which was a quite amazing thing for a President to do that – and helped bring down the Berlin Wall and set the Eastern block free. I wanted to read something that I received; some of you may have received this. This was written by J. C. Watts, whom I'm sure you all know is a former Oklahoma Congressman and also an African American. Former Oklahoma Congressman J. C. Watts said, 'President Reagan cultivated my homegrown, conservative values through his message of hope, peace through strength and economic opportunity for all. He rallied America around its highest common denominator, not its lowest. At a most basic level, he challenged America to think about what it wanted to be when it grew up. He envisioned a world free of Communism and a nation alive with entrepreneurship. He was the kind of leader that looked more to the next generation than the next election.' President Reagan would often close his speeches with the words, 'God bless you, and God bless America.' God answered that prayer for America and the world by giving us the gift of Ronald Reagan. I am saddened by President Reagan's passing. My wife and I want to express our sympathies to Nancy and the family. While America continues this journey toward that shining city on a hill, there is no doubt in my mind that President Reagan is now there.' With that said, I urge support of the resolution. Thank you."

**Senator Pittenger:**

"Madame President and members of the Senate, in the early 1980's I was involved in a project in Eastern Europe. It was mainly in Czechoslovakia and Bulgaria and Poland and throughout. It was a seminary to help pastors, to equip them because they wanted to teach the word of God throughout these countries though they couldn't legally do that. In fact, they lost their jobs; they were in prison, tremendous oppression. So whatever was done was done underground. And a group of us were supporting these pastors, and it was scary. It was different; I've never been involved since in anything quite like that. But I was so impressed with the commitment and the challenge and the entrepreneurship of these individuals in these countries. A few years after that, I attended with a Congressional delegation that went to Moscow for ten days regarding religious freedom, human rights, and freedom of conscience and the members of the Parliament and Congress who were there spoke to the issue of the importance of religious liberties and this was in the late 1980's. Again, over that period of time we were approached time and again from people who wanted Bibles but they wanted to go meet us in the park and the pastors who really were doing what they could do in the position they were in, living in a very oppressed state. You know, this had a big impact on me because I realized that the freedoms that we have in this Country to speak, to write, to worship weren't true in these countries at all. They paid a heavy price. President Reagan came to Charlotte in the early 1990's, I had a group, it was a foreign policy discussion group, and he was one of the speakers and I said, 'Mr. President, I really want to thank you for what you've done to liberate a 100 million people so that they can worship God in their own way and they can spread the truth that they know without having the threat of being put into prison,' and he deflected it and said, 'We're all a part of this.' and he was thanking me and thanking other people for what they were doing. A few

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years after that, Prime Minister Thatcher came to Charlotte for a similar occasion and as we talked we talked about leadership and I asked her what her definition of leadership was and she said, 'Well, Robert, my definition of leadership came from my father. My father said a leader is one who number one defines his objective. He knows exactly what he wants to do and the second thing, he totally commits himself wholeheartedly to that objective. The third thing is with all his influence he seeks to bring his friends and colleagues to join in.' She said, 'Robert, that's what my father taught me and that's Ronald Reagan.' And in my mind's eye I went back to those people in Romania and Czechoslovakia and Poland and Bulgaria who were free today because he was true to his objective and put all his energies to that end. So thank you for this occasion, thank you that we can honor this great man today."

**Senator Garwood:**

"Thank you, Madame President. Ladies and Gentlemen, I have no written notes. The tributes that have been given to the President here today are indicative of the man. It is fitting and proper that we acknowledge his life and the contributions he made to freedom across the world. I rise to tell you that I had the honor and the privilege in 1980 to be selected as a delegate from North Carolina to the Republican National Convention in Detroit and I was down there on that floor and cast a vote for Ronald Reagan's nomination and that was a high point in my life, but ladies and gentlemen, as we found out later, it was a high point in the life of this Country and in the freedom of the world. The first thing that happened when he was sworn in was the release of the hostages as Senator Allran referred to and that had been a long time coming. But it was indicative of the man and what he brought to that office and it was already being recognized at that time. It's my honor to commend the resolution to you and I'm proud to be a member of this body and to share with you honoring President Ronald Reagan. Thank you very much."

**Senator Blake:**

"I'd like to share with the Senate my relationship with President Ronald Reagan. In 1982, I was a candidate for Congress. President Reagan came to North Carolina to campaign for the folks who were involved in that campaign. We met here at the Civic Center in Raleigh and I had the great privilege after his speech to ride with him and Jim Baker from the Civic Center over to the airport in the limousine and we sat in the back seat, dual seats. As we came from under the building parking lot he said, 'Harris, let's hold up a few minutes and let us get through the crowd so I can wave.' Now to me that didn't seem to be too significant at the time but that was Ronald Reagan. He served the people of this Country and I'd like to share with you, also, that in 1982 this State was going through a challenge of redistricting and who would be served by what district. In 1982, the primary was delayed until, I think, maybe June. Between January and March I made a decision to run for Congress and it was based on the spiritual leadership that President Ronald Reagan was giving this Country. In 1984, I ran for Congress again and had an opportunity to be on the platform in Charlotte to a tremendous crowd and was able to sit next to Ronald Reagan and Maureen. To some of you that may not be significant but if you grew up in Jackson Springs like I did, the way I did, those things was very significant. I lost

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the race in 1984 and in 1985 I had the great opportunity to serve with Ronald Reagan in his administration and that was, looking back on my life, one of the highlights that I will always remember. I had so many opportunities to see him at the White House and also to be on the White House lawn and see him as he was leaving for a trip and when he was coming back from some important trip out of the Country and I stand here today as a Senator really because of one great American who was my hero and when I heard about his death I really have not been able to watch much of it on the television because I do get emotional about it. It reminds me that great people are those people that you cannot really describe their character but we know it's there and I will close with this comment, that everyone in this room has drunk from many wells that we did not dig and thank God for Ronald Reagan. He was a great well digger for me and I'm certainly honored to be among you today and I certainly urge you to support this resolution. Thank you very much."

**Senator Brock:**

"Being the youngest member of the Senate I had an opportunity to vote for Reagan once. It was in first grade in a mock election and I campaigned hard for the President and he won Ms. Whitaker's first-grade class. But I had an opportunity yesterday and to me it's an honor, but I had a close family member that served with President Reagan, former Senator Bill Brock of Tennessee, who was the Chairman of the Republican National Committee and a Trade Ambassador for the President and then served in his Cabinet as Secretary of Labor. Speaking with Bill yesterday, we talked about what it was like to be in the room with the man so many times through the election, through the different meetings that you had as a Cabinet official and whether or not what you saw on television was real. Many times it was mentioned that the great communicator was an actor but what you saw was real. He said you look at the Cabinet of any president and you have the best talent in America whether it is a Republican or Democrat, you have the best talent in each position. And he said you had one man up front making you believe in yourself, making you believe in the people, making you believe in America for what God has given us. Now President Reagan was a great communicator in so far as how he would open up a speech or as I said before a little joke. When he was shot during an assassination attempt he told Nancy when she came to the hospital, 'Honey, I forgot to duck.' When the tax bill came before the Congress, then a Democrat majority, he told them that he would veto, he said, 'Go ahead and make my day.' Of course, that was a line from Clint Eastwood, he said, who is now the Mayor of Carmel, California. And to him it was a surprise how any man who filmed a movie with a monkey ever made it in politics. He had a great sense about it. He was a like a grandfather to me. I'd watch him on television and watch how he acted and being a historian and reading history when there was double digit inflation, it was talked about that maybe the presidency is just too much for one person but he stepped in and brought us back. He brought America back, he made us believe in red, white and blue again, and he was a great American, a great soul and what we have today in this world, the freedom that we have, the end of Communism against the evil empire, the Soviet Union is gone. You think of the hundreds of millions of people who are free because he stood up to them. I commend this resolution to you."

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**Senator Smith:**

“I’ve listened to the previous Senators who have very eloquently talked about Ronald Reagan and his life and what he has meant to this Nation. What can we learn from Ronald Reagan’s life so that we can do our job today in a more fitting and better way. I’ve thought about that ever since I heard of his death and I’ve thought about that over the weekend and today. And what comes to my mind is there are two types of people in the world, one are people who dream by the night, and the other is people who dream by the day. People who dream by the night when they wake up in the morning, they forget their dream and all is vanity and they move on with their life. But people who dream by the day dream with their eyes wide open and they see the world as it is and they have a dream and a vision of what the world can be. And then they start looking at the present reality and look at the future and then they start working every day to bring their dream to fruition. And that’s what Ronald Reagan did. Ronald Reagan, when he took over as President, he didn’t see the world as it was but he had a clear vision of what he believed the world should be both in the United States and in Europe and the communistic nations and so he set out to focus on changing that as a dreamer by the day and every day he never changed that focus. Whatever he did, he never changed that dream and never changed that focus. And why did he do that? Because Ronald Reagan was not governed as many politicians are by the politics and policies of the day that change as the wind changes. Ronald Reagan was governed by principles and he believed in those principles and he never changed those principles and like an anchor in the storm they guided him throughout his political life. He believed the number one principle that he believed in outside of his spiritual life was the power of freedom and what the power of freedom can do in a person’s life and in a nation’s life. And as he was talking about on his first inaugural address, he said, ‘It is time for us to realize that we are too great a nation to limit ourselves to small dreams. Let us begin an era of national renewal, let us renew our determination, our courage and our strength and let us renew our faith and our hope. The crisis we are facing today requires our best effort and our willingness to believe in ourselves and to believe in our capacity to perform great deeds, to believe that together, with God’s help, we can and will resolve the problems which now confront us and after all why shouldn’t we believe that, we’re Americans.’ And he believed that and that guided his life. And because of that, one day he was able to say, ‘We meant to change a nation and instead we changed the world.’ And we are all indebted to that and let me close by saying that his speech writer, Peggy Noonan, had this to say about President Reagan and I think we all in our public life would love this to be said about us. ‘In a President, character is everything. You can’t buy courage and decency, you can’t rent a strong moral sense. A President must bring these things with him. He needs to have a vision of the future that he wishes to create, but a vision is worth little if a President doesn’t possess or doesn’t have the character, the courage and the heart to see it through. Reagan had the vision, did he have the courage? Yes.’ At the core of Reagan’s character he had courage, a courage that was ultimately contagious. When people say Reagan brought back our spirit and our sense of optimism I think

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that they were saying in part that the whole country caught his courage, and I would wish for all of us as we celebrate or memorialize Ronald Reagan's life, that we would be dreamers by the day to see the world as it can be, to see the world as it needs to be, and to see our State as it needs to be, and just as Ronald Reagan did, we'll start working everyday to bring reality to the vision that it needs to be. Thank you and I commend this resolution to all of you."

**Senator Berger:**

"You know, we pause today to remember Ronald Reagan and many have pointed out accomplishments and many have pointed out personal anecdotes. I think the accomplishments we have listened to with some remembrance. The anecdotes are interesting sidelights as far as the lives that the people here live and the life of Ronald Reagan. I have no personal anecdotes, I just have an abiding respect for the person who served as President of the United States known as Ronald Reagan. You know, for those of us who are over the age of 50, we can remember the way things were in 1980. The Cold War, this was a situation that had been ongoing for 30-40 years at that point. It was viewed by most experts as the permanent state of things, an insoluble problem. In the economic field we had terms that we don't hear much anymore, a term called "stagflation". I daresay if you're less than 30 years old you probably, other than in history books, have not run across that term. We had high inflation, we had unemployment at terrible rates. There was a despair among our people. Our President had said that there was a malaise amongst our people, and then Ronald Reagan was elected, and then we saw the end of the fear of nuclear annihilation, we've seen an unparalleled time of economic growth and prosperity, there have been bumps in the road and there will be bumps in the road in the future, there will be new challenges, there will be new threats. Much of that is due to Ronald Reagan, but not all of it. You know, when someone dies, we tend to see the best and we forget about other things and we tend to give them more credit than maybe they are actually entitled to, but you know one of the things that struck me about Ronald Reagan in all the remembrances, when he took office, the House, the US Congress, was controlled by Democrats. The United States Senate, for the first time in years, was controlled by Republicans, but not by much and much of what is being credited to Ronald Reagan had to be approved by a majority of both houses of the Congress and I was watching television last night and there was a clip of Tip O'Neill calling the President after the vote that occurred on the economic recovery package, the tax cuts, and at that time, again, the Congress was controlled by Democrats and Representative O'Neill, Speaker O'Neill, I am sure felt like that he had the votes in the bag, but President Reagan won that vote and Tip O'Neill was congratulating him in the clip I saw last night and commenting on the strength of the personal persuasive powers that President Reagan had. He had an ability to work with others and I think that's something we sometimes forget to appreciate in him and other great leaders because I think that's one common thing that all people that we feel are great leaders have, and that is that ability to work with others. One of the reasons Ronald Reagan appeals to me is because his life illustrates that the world is not just some series of events that are pre-ordained. His life illustrates that people matter, that leadership matters. Senator Pittenger mentioned the definition of leadership and I think he's correct, that was

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Ronald Reagan. But you know one of the things about Ronald Reagan is that he was reflective; I think, of what is best in us or at least what we think we are, the best of what we think we are, he was friendly, he was humorous, he was courageous, he was optimistic, he was generous, he was persistent and he possessed certain core beliefs that he stuck with. He touched something deep within our Nation and I think that is indicated by the outpouring that we're seeing across the Country by the lines that formed in California, by the lines I know we'll see in Washington, by the coverage we're seeing on television. For me, I am just most grateful that the people of the Twenty-sixth District of North Carolina have given me the high honor to be here today to speak in favor of this resolution. I commend it to you."

**Senator Basnight:**

"It gives me great privilege to speak on the resolution as well. Senator Blake, I was moved and touched by your experiences and opportunities to be with the President of the United States and see him as you did. I am certainly touched by the feelings of each and every speaker today and the meanings that you express in your feelings toward one of American's and the world's greatest leaders. I came to my little restaurant on the Outer Banks the day after the passing our President and a young man by the name of Brandon, I don't know Brandon's last name, but he's from Richmond, Virginia, and he waits tables at the Lone Cedar. He's a recent graduate of the University of Virginia and he wanted to talk a little bit about the President and he knew a great deal. And after we did, he asked if there was something we could do and I asked him and he said let's put something on the little marquee out front so we put 'Rest in Peace' but we didn't have enough letters to do it, so we put 'R.I.P. President Reagan.' A man and his wife stopped by not understanding what it meant and the man was from Germany, East Germany, and I happened to be in the front of the building when he came in and he wanted to be certain that what we were saying on that sign was of no disrespect to President Ronald Reagan and I assured him it was not and I told him what it meant. He then proceeded to tell me what Ronald Reagan meant to him, to Europe, his community and his world and our world as it is. And he elaborated in great detail what life was for his family prior to Ronald Reagan and his description was much as you'd believe it would be. It was cruel and it was difficult, it was unfair and it allowed for no opportunity to express yourself as to your feelings of your Maker. The God that we trust was invisible for him and his family. Ronald Reagan, more than anyone else, helped change that and offered the freedoms that we have today. Behind the cash register in that little restaurant is a lady from Siberia, Russia. She married a family friend of ours in Manteo and she works there today. She recognizes the strength of peace and opportunity and the blessings of religious freedoms just as strongly as you experienced, Senator Pittenger, when you were in Russia and in other countries as you mentioned. So those two little stories I share with you from the little small community of where I live. I commit this resolution to you and God Bless Ronald Reagan."

The joint resolution passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

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**REPORTS OF COMMITTEES**

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

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

**S.B. 1171**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS; TO ALLOW THE SECRETARY OF REVENUE TO APPOINT EMPLOYEES OF THE MOTOR FUELS TAX DIVISION AS REVENUE LAW ENFORCEMENT OFFICERS; AND TO TRANSFER THE AUDIT FUNCTIONS FOR THE INTERNATIONAL REGISTRATION PLAN TO THE DEPARTMENT OF REVENUE FROM 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 35477, is adopted and engrossed.

**S.B. 1228**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15288, which changes the title to read **S.B. 1228** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS TO THE HISTORIC ROBERT LEE HUMBER HOUSE, is adopted and engrossed.

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

**CALENDAR** *(continued)*

**S.B. 1064** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, THE PRESERVATION OF NATURAL HERITAGE, AND CLEAN WATER CONSERVATION, TO USE FUNDS CURRENTLY DEDICATED TO THESE PURPOSES TO REPAY THE INDEBTEDNESS, AND TO REQUIRE THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY TO ALLOCATE FUNDS GEOGRAPHICALLY ACROSS THE STATE; AND TO MAKE CLARIFYING CHANGES, placed earlier on today's Calendar, upon second reading.

*The Honorable Beverly Eaves Perdue, Lieutenant Governor, relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides in the absence of the Lieutenant Governor.*

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

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

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 35, noes 9, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Basnight, Bingham, Blake, Carpenter, Carrington, Dalton, Dannelly, Dorsett, Forrester, Garrou, Hagan, Hargett, Hartsell, Holloman, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Purcell, Rand, Reeves, Shaw, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—35.

Voting in the negative: Senators Apodaca, Berger, Brock, Clodfelter, Foxx, Pittenger, Shubert, Sloan and White—9.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, June 10, upon third reading.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

House of Representatives  
June 9, 2004

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **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, and requests conferees, Speaker Black appoints:

Representative Brubaker, Chair  
Representative Luebke  
Representative Church  
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

#### **WITHDRAWAL FROM COMMITTEE**

**S.B. 1192**, A BILL TO BE ENTITLED AN ACT TO REQUIRE TRANSFERORS OF MOTOR VEHICLES TO DISCLOSE TO TRANSFEREES THAT THE VEHICLE HAS BEEN DECLARED A TOTAL LOSS BY AN INSURANCE COMPANY, TO DELETE THE REQUIREMENT THAT A "TOTAL LOSS CLAIM" NOTATION BE PUT ON THE TITLE AND REGISTRATION CARD, TO REQUIRE INSURANCE COMPANIES TO INSERT A PERMANENT

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MARKER INTO THE DOORJAMB OF A VEHICLE WHEN IT HAS PAID A CLAIM EXCEEDING TWENTY-FIVE PERCENT OF THE VEHICLE'S RETAIL VALUE, AND TO APPROPRIATE FUNDS TO IMPLEMENT THE PROVISIONS OF THIS ACT, referred to the **Appropriations/Base Budget Committee** on May 20, 2004.

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 **Commerce 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 **Commerce Committee**.

#### ADDITIONAL SPONSORS

Senator Hartsell, Senator Hoyle, Senator Kerr, Senator Rand, Senator Shubert, and Senator Webster request to be added as a sponsor of previously introduced legislation:

**S.J.R. 1438**, A JOINT RESOLUTION COMMEMORATING THE LIFE AND ACCOMPLISHMENTS OF RONALD WILSON REAGAN, 40TH PRESIDENT OF THE UNITED STATES OF AMERICA.

Upon motion of Senator Dannelly, seconded by Senator Nesbitt, the Senate adjourns at 6:03 P.M. to meet tomorrow, Thursday, June 10, at 11:00 P.M.

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#### ONE HUNDRED TWENTY-FIFTH DAY

Senate Chamber  
Thursday, June 10, 2004

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 Susan E. Kimball, Raleigh, North Carolina, as follows:

"Ever-present God, open our minds to the truth of Your care, our hearts to the gentleness of Your love, our mouths to share stories of faith. Open our hands to create beauty, to do justice and to show kindness. Open our souls to the breath of Your spirit. Open our lips to boldly offer our praise.

"Guide the efforts of these Senators today. Free their minds from distracting chatter. Allow them to focus on the important tasks at hand.

"Teach us all the words to pray and the silences to keep. Refashion our days so that we may always walk in constant thanksgiving of Your amazing grace. Amen."

The Chair grants leaves of absence for today to Senator Dorsett, Senator Garwood, Senator Holloman and Senator Queen.

June 10, 2004

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Wednesday, 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 of the Senate extends courtesies of the floor to Wendy Collins from Charlotte, 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:

**S.B. 1189**, AN ACT ALLOWING THE TOWN OF CHADBOURN TO EXTEND ITS EXTRATERRITORIAL PLANNING JURISDICTION UP TO TWO MILES OUTSIDE ITS CORPORATE LIMITS.

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

**S.B. 1277**, A BILL TO BE ENTITLED AN ACT PROVIDING FOR STAGGERED TERMS FOR THE TOWN BOARD OF THE TOWN OF MADISON, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85355, is adopted and engrossed.

**H.B. 1386** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF INDIAN TRAIL TO REMOVE THE REQUIREMENT THAT THE TOWN ATTORNEY SHALL ATTEND ALL TOWN COUNCIL MEETINGS, 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 30553, is adopted and engrossed.

**H.B. 1608** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GREENSBORO CITY CHARTER SO THE CITY CAN FOLLOW THE GENERAL LAW ON NOTICE OF ADOPTION OF ORDINANCES, 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 50421, is adopted and engrossed.

June 10, 2004

**CALENDAR**

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

**S.B. 1356**, A BILL TO BE ENTITLED AN ACT TO TRANSFER CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE TO THE TOWN OF WHITSETT, SUCH PROPERTY BEING TOTALLY SURROUNDED BY THE TOWN OF WHITSETT, 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, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Hagan, Hargett, Hartsell, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein and White—45.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 14, upon third reading.

**H.B. 1447**, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF GREENVILLE AND THE TOWN OF WAYNESVILLE.

Upon motion of Senator Kinnaird, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 15.

**H.B. 1474** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT YANCEY COUNTY FROM THE PROVISIONS OF CHAPTER 143, ARTICLE 8 OF THE GENERAL STATUTES, FOR PURPOSES OF DEVELOPMENT OF A HEALTH CARE FACILITY IN A PUBLIC-PRIVATE INITIATIVE.

Upon motion of Senator Kinnaird, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 15.

**S.B. 1233**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF PINEBLUFF TO CONVEY TO ADJACENT PROPERTY OWNERS TROLLEY EASEMENTS AT PRIVATE NEGOTIATED SALE.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

**S.B. 1279**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ROCKINGHAM COUNTY BOARD OF COMMISSIONERS TO CONTRACT WITH BOTH THE TOWN OF MAYODAN FIRE DEPARTMENT AND THE TOWN OF MADISON FIRE DEPARTMENT TO PROVIDE FIRE PROTECTION SERVICES IN THE M & M FIRE DISTRICT.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

June 10, 2004

**S.B. 1288**, A BILL TO BE ENTITLED AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

**H.B. 1604**, A BILL TO BE ENTITLED AN ACT TO AMEND THE GREENSBORO CITY CHARTER TO INCREASE THE AUTHORITY OF THE CITY MANAGER TO SETTLE CLAIMS AGAINST THE CITY FROM FIFTY THOUSAND DOLLARS TO THREE HUNDRED THOUSAND DOLLARS.

The bill passes its second (45-0) and third readings and is ordered enrolled.

**H.B. 1666**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF GARNER 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 (45-0) and third readings and is ordered enrolled.

#### **PRIVILEGES OF THE FLOOR**

The President extends privileges of the floor to The Honorable Patrick Ballantine, former Senator from Hanover County.

#### **CALENDAR** *(continued)*

**S.B. 1064** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, THE PRESERVATION OF NATURAL HERITAGE, AND CLEAN WATER CONSERVATION, TO USE FUNDS CURRENTLY DEDICATED TO THESE PURPOSES TO REPAY THE INDEBTEDNESS, AND TO REQUIRE THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY TO ALLOCATE FUNDS GEOGRAPHICALLY ACROSS THE STATE; AND TO MAKE CLARIFYING CHANGES.

Senator Berger offers Amendment No. 1.

Upon motion of Senator Kerr, the President orders, without objection, the Committee Substitute bill No. 2 temporarily displaced, with Amendment No. 1 pending.

**S.B. 1171** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS; TO ALLOW THE SECRETARY OF REVENUE TO APPOINT EMPLOYEES OF THE MOTOR FUELS TAX DIVISION AS REVENUE LAW ENFORCEMENT OFFICERS; AND TO TRANSFER THE AUDIT FUNCTIONS FOR THE INTERNATIONAL REGISTRATION PLAN TO THE DEPARTMENT OF REVENUE FROM THE DIVISION OF MOTOR VEHICLES.

June 10, 2004

Upon motion of Senator Hoyle, the President orders, without objection, the Committee Substitute bill temporarily displaced.

**H.B. 1497**, A BILL TO BE ENTITLED AN ACT TO ADOPT A FLAT COLLECTION ASSISTANCE FEE UNDER THE SETOFF DEBT COLLECTION ACT, 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, Forrester, Foxx, Garrou, Hagan, Hargett, Hartsell, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein and White—46.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 14, upon third reading.

**S.B. 1161** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY BASES TO GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY BASES.

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

**S.B. 1414**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN CERTAIN MEDICAL BOARD FEES.

The bill passes its second (34-11) and third readings and is ordered sent to the House of Representatives.

**H.B. 1448**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT SELLERS BE PROVIDED WITH NOTICE AND A SIXTY-DAY PERIOD TO RESPOND TO A REQUEST FOR A REFUND OF OVER-COLLECTED SALES OR USE TAXES BEFORE A PURCHASER MAY BRING A CAUSE OF ACTION AGAINST THE SELLER.

Upon motion of Senator Hoyle, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 15.

**S.B. 1171** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS; TO ALLOW THE SECRETARY OF REVENUE TO APPOINT EMPLOYEES OF THE MOTOR FUELS TAX DIVISION AS REVENUE LAW ENFORCEMENT OFFICERS; AND TO TRANSFER THE AUDIT FUNCTIONS FOR THE INTERNATIONAL REGISTRATION PLAN TO THE DEPARTMENT OF REVENUE FROM THE DIVISION OF MOTOR VEHICLES, temporarily displaced earlier.

Upon motion of Kerr, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 15, upon second reading.

**S.B. 1064** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL

IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, THE PRESERVATION OF NATURAL HERITAGE, AND CLEAN WATER CONSERVATION, TO USE FUNDS CURRENTLY DEDICATED TO THESE PURPOSES TO REPAY THE INDEBTEDNESS, AND TO REQUIRE THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY TO ALLOCATE FUNDS GEOGRAPHICALLY ACROSS THE STATE; AND TO MAKE CLARIFYING CHANGES, temporarily displaced earlier, with Amendment No. 1 pending.

Senator Berger subsequently withdraws Amendment No. 1.

Senator Berger offers Amendment No. 2.

Senator Webster offers a motion that the Committee Substitute bill No. 2 and Amendment No. 2 be withdrawn from today's Calendar and placed on the Calendar for Tuesday, June 15. The motion fails (16-29). Amendment No. 2 is adopted (46-0).

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

The Committee Substitute bill No. 2, as amended, passes its third reading, by roll-call vote, ayes 31, noes 13, as follows:

Voting in the affirmative: Senators Albertson, Allran, Bingham, Blake, Carpenter, Carrington, Dalton, Dannelly, Garrou, Hagan, Hargett, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Purcell, Rand, Reeves, Shaw, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—31.

Voting in the negative: Senators Apodaca, Berger, Brock, Clodfelter, Forrester, Foxx, Hartsell, Pittenger, Rucho, Shubert, Sloan, Webster and White—13.

The Committee Substitute bill No. 2, as amended, is ordered engrossed and sent to the House of Representatives.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 1205**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 46TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on May 20, 2004.

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**.

Upon motion of Senator Dannelly, seconded by Senator Malone, the Senate adjourns at 12:09 P.M. to meet Monday, June 14, at 7:00 P.M.

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June 10, 2004

**ONE HUNDRED TWENTY-SIXTH DAY**

Senate Chamber  
Monday, June 14, 2004

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, as we begin a new week in the Senate, we pray that the familiarity of schedule, people, and meetings will be more than just routine. May Your spirit give us fresh vision and enthusiasm in all that we do.

"Your creating, O God, has been concluded, but it is not finished. With all due respect, You left some important things for us to do.

"Empower us with the notion that we are Your sub-contractors, builders, garden makers.

"And not all of our work is outside us. Some things in our own hearts this week also need mending. Amen."

The Chair grants leaves of absence for tonight to Senator Foxx, Senator Soles and Senator Thomas.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, June 10, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The President of the Senate extends courtesies of the floor to Dr. William W. Hedrick from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Tim Murry from Charlotte, North Carolina, who is serving the Senate as Nurse of the Day.*

**ENROLLED BILLS**

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

**H.B. 1604**, AN ACT TO AMEND THE GREENSBORO CITY CHARTER TO INCREASE THE AUTHORITY OF THE CITY MANAGER TO SETTLE CLAIMS AGAINST THE CITY FROM FIFTY THOUSAND DOLLARS TO THREE HUNDRED THOUSAND DOLLARS.

**H.B. 1666**, AN ACT TO ALLOW THE TOWN OF GARNER 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.

June 14, 2004



**PRIVILEGES OF THE FLOOR**

The President extends privileges of the floor to The Honorable Daniel E. Page, former Senator from Harnett County, and to The Honorable Robert D. Warren, former Senator from Johnston County.

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**S.B. 1122** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR EIGHTEEN 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.

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

**H.B. 1369**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE WESTERN BOUNDARY OF THE TOWN OF EMERALD ISLE EXTENDS TO THE BOGUE INLET CHANNEL AS IT FLUCTUATES OVER TIME TO ALLOW ALL UPLAND AREAS CONNECTED TO BOGUE BANKS ON THE WESTERN END OF THE ISLAND TO BE IN THE TOWN LIMITS.

Referred to the **Finance Committee**.

**H.B. 1385** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS BY THE CITY OF WASHINGTON AND THE TOWNS OF CRESWELL AND WALLACE.

Referred to the **Finance Committee**.

**H.B. 1443** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BUSINESS SERVICE CENTER IN THE DEPARTMENT OF COMMERCE.

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

**H.B. 1463**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION.

Referred to the **Commerce Committee**.

**H.B. 1478**, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE LAW CLARIFYING THE STATUS OF TEACHERS PARTICIPATING IN FOREIGN EXCHANGE PROGRAMS FOR PURPOSES OF RETIREMENT AND TENURE.

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

June 14, 2004

**H.B. 1518**, A BILL TO BE ENTITLED AN ACT REQUIRING A PERSON TO PAY ANY OUTSTANDING RESTITUTION ORDERS PRIOR TO THE EXPUNCTION OF THE PERSON'S CRIMINAL RECORD.

Referred to the **Judiciary II Committee**.

**H.B. 1519** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT CRIMINALS FROM PROFITING FROM THEIR CRIMES AND TO BETTER ENABLE CRIME VICTIMS TO SATISFY RESTITUTION ORDERS AND CIVIL JUDGMENTS ENTERED AGAINST THEIR OFFENDERS FROM THE OFFENDERS' ASSETS, WHICH MAY INCLUDE PROFIT FROM CRIME.

Referred to the **Judiciary I Committee**.

**H.B. 1588** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE POWER TO SETTLE CERTAIN CLAIMS AGAINST THE CITY.

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

**H.B. 1589** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CODIFYING THE METHOD OF ELECTING THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS AS ORDERED BY THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.

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

**H.B. 1593**, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE TOWN OF SWANSBORO.

Referred to the **Finance Committee**.

**H.B. 1619** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELIZABETHTOWN.

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

**H.B. 1670** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR THE CITY OF NEWTON AND CATAWBA COUNTY AS TO A PARK.

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

**H.B. 1674** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING FILLING OF VACANCIES IN THE BOARD OF COMMISSIONERS OF THE TOWN OF ZEBULON.

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

June 14, 2004

**H.B. 1678**, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NORWOOD.

Referred to the **Finance Committee**.

**H.B. 1732**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE WARD BOUNDARIES OF THE CITY OF SOUTHPORT TO REFLECT RECENT ANNEXATIONS.

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

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

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

**H.B. 1352** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM AND TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND, with a favorable report.

### CALENDAR

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

**S.B. 1356**, A BILL TO BE ENTITLED AN ACT TO TRANSFER CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE TO THE TOWN OF WHITSETT, SUCH PROPERTY BEING TOTALLY SURROUNDED BY THE TOWN OF WHITSETT, upon third reading.

The 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, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Shubert, Sloan, Smith, Stevens, Swindell, Tillman, Webster, Weinstein and White—45.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

**S.B. 1277** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR STAGGERED TERMS FOR THE TOWN BOARD OF THE TOWN OF MADISON.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

June 14, 2004

**H.B. 1386** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF INDIAN TRAIL TO REMOVE THE REQUIREMENT THAT THE TOWN ATTORNEY SHALL ATTEND ALL TOWN COUNCIL MEETINGS.

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. 1608** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GREENSBORO CITY CHARTER SO THE CITY CAN FOLLOW THE GENERAL LAW ON NOTICE OF ADOPTION OF ORDINANCES.

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. 1497**, A BILL TO BE ENTITLED AN ACT TO ADOPT A FLAT COLLECTION ASSISTANCE FEE UNDER THE SETOFF DEBT COLLECTION ACT, upon third reading.

The 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, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Shubert, Sloan, Smith, Stevens, Swindell, Tillman, Webster, Weinstein and White—45.

Voting in the negative: None.

The bill is ordered enrolled and sent to the Governor.

#### WITHDRAWAL FROM COMMITTEE

**S.J.R. 1179**, A JOINT RESOLUTION HONORING THE PENLAND SCHOOL OF CRAFTS ON ITS 75TH ANNIVERSARY AND THE MEMORY OF LUCY MORGAN, THE FOUNDER OF THE PENLAND SCHOOL OF CRAFTS, referred to the **Rules and Operations of the Senate Committee** on May 20, 2004.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Tuesday, June 15, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Tuesday, June 15.

**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 the **Appropriations/Base Budget Committee** on March 31, 2003.

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.

June 14, 2004

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

**H.B. 1414** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE, referred to the **Appropriations/Base Budget Committee** on June 8, 2004.

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**.

#### SENATE PAGES

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

Joshua Roberts Anders, Pfafftown; Christopher Donovan Andrews, Raleigh; Whitney Lane Averette, Franklinton; Chelsea Elizabeth Biggs, Lumberton; Mary Blaine, Franklinton; Duncan James Briley, Whiteville; Lindsey Alexander Bullard, Lumberton; Candace Carpenter, Bessemer City; Karen Cooke, Lowell; Caroline Curry, Raleigh; William Dawson Gage, Wilmington; Eleanor Perry Gilbert, Raleigh; Abbie Lauren Griffin, Camden; Ralph Hunt III, Durham; Elizabeth Susan Inman, Lumberton; Amanda Lynn James, Mount Airy; Shannon Rebekah James, Mount Airy; Cedric Clifton Jernigan III, Southern Shores; Rachel Caitlin Long, Elizabeth City; Caroline May, Charlotte; Emily Elizabeth Nash, Camden; Justin W. M. Pace, Broadway; Grace Pittenger, Charlotte; Allison Rosenbaum, Cary; Taylor Satterwhite, Franklinton; Trent McKenzie Stanforth, Gastonia; Whitney Lee Suggs, Whiteville; Donald T. Thrower, Gastonia; Madison Weston, Gastonia; and Lisa Renee Withers, Reidsville.

Upon motion of Senator Basnight, seconded by Senator Carrington, the Senate adjourns at 7:41 P.M. to meet tomorrow, Tuesday, June 15, at 2:00 P.M.

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#### ONE HUNDRED TWENTY-SEVENTH DAY

Senate Chamber  
Tuesday, June 15, 2004

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:

June 15, 2004

"Dear God, Bishop Desmond Tutu once remarked that he 'was puzzled about which Holy Scripture people were reading when they suggested that religion and politics don't mix.'

"He was right to the extent that we ask our clergy leaders and the people whom we elect to political office to possess the same qualities - 'the mind of a scholar, the heart of a child and the hide of a rhinoceros.'

"The challenge for people called into the professions of religion and politics, really all of us, is how to harden our hides and toughen them without hardening our hearts. Amen."

*Quotation by Vance Hafner*

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, June 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. John W. Rusher from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Jennifer Kinser from Huntersville, 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. 1497**, AN ACT TO ADOPT A FLAT COLLECTION ASSISTANCE FEE UNDER THE SETOFF DEBT COLLECTION 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:

**S.B. 1189**, AN ACT ALLOWING THE TOWN OF CHADBOURN TO EXTEND ITS EXTRATERRITORIAL PLANNING JURISDICTION UP TO TWO MILES OUTSIDE ITS CORPORATE LIMITS. (Became law upon ratification, June 10, 2004 - S.L. 2004-4.)

**H.B. 1604**, AN ACT TO AMEND THE GREENSBORO CITY CHARTER TO INCREASE THE AUTHORITY OF THE CITY MANAGER TO SETTLE CLAIMS AGAINST THE CITY FROM FIFTY THOUSAND DOLLARS TO THREE HUNDRED THOUSAND DOLLARS. (Became law upon ratification, June 14, 2004 - S.L. 2004-5.)

June 15, 2004

**H.B. 1666**, AN ACT TO ALLOW THE TOWN OF GARNER 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, June 14, 2004 - S.L. 2004-6.)

### CONFERENCE REPORT

Senator Clodfelter for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **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, 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 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, House Committee Substitute Favorable 7/10/03, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 7/10/031, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 7/10/03 and substitute the attached Proposed Conference Committee Substitute S51-PCCS85351-LCx-3.

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

Date Conferees approved report: June 15, 2004.

*Conferees of the Senate*

S/Daniel G. Clodfelter  
S/David W. Hoyle  
S/John H. Kerr, III  
S/Fletcher L. Hartsell, Jr.

*Conferees of the House of Representatives*

S/Don Munford  
S/Wilma M. Sherrill  
S/Paul Luebke  
S/Daniel Francis McComas  
S/Gordon P. Allen, Sr.

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The text of the attached Proposed Conference Committee Substitute, PCCS S51-PCCS85351, which changes the title, is as follows:

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 ASSETS NOT INDIRECTLY OWNED BY CORPORATIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 105-114.1 reads as rewritten:

"§ 105-114.1. **Limited liability companies.**

(a) Definitions. – ~~The definitions in G.S. 105-130.7A apply in this section. In addition, the following definitions apply in this section:~~

- (1) Affiliated group. – Defined in section 1504 of the Code.
- (2) Capital interest. – The right under a limited liability company's governing law to receive a percentage of the company's assets upon dissolution after payments to creditors.
- (3) Entity. – A person that is not a human being.
- (4) Governing law. – A limited liability company's governing law is determined under G.S. 57C-6-05 or G.S. 57C-7-01, as applicable.
- ~~(2) Owned indirectly.—A person owns indirectly assets of a limited liability company if the limited liability company's governing law provides that seventy percent (70%) or more of its assets, after payments to creditors, must be distributed upon dissolution to the person as of the last day of the principal corporation's taxable year.~~
- ~~(3) Principal corporation.—A corporation that is a member of a limited liability company or has a related member that is a member of a limited liability company.~~

(b) Controlled Companies. – If a corporation or an affiliated group of corporations owns seventy percent (70%) or more of the capital interests in a limited liability company, the corporation or group of corporations must include in its three tax bases under this Article the same percentage of the limited liability company's net assets, a related member of the corporation is a member of a limited liability company and the principal corporation and any related members of the principal corporation together own indirectly seventy percent (70%) or more of the limited liability company's assets, then the following provisions apply:

- ~~(1) A percentage of the limited liability company's income, assets, liabilities, and equity is attributed to that principal corporation and must be included in the principal corporation's computation of tax under this Article.~~
- ~~(2) The principal corporation's investment in the limited liability company is not included in the principal corporation's computation of tax under this Article.~~
- ~~(3) The attributable percentage is equal to the percentage of the limited liability company's assets owned indirectly by the~~

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~~principal corporation divided by the percentage of the limited liability company's assets owned indirectly by related members of the principal corporation that are corporations.~~

(c) Constructive Ownership. – Ownership of the capital interests in a limited liability company is determined by reference to the constructive ownership rules for partnerships, estates, and trusts in section 318(a)(2)(A) and (B) of the Code with the following modifications:

- (1) The term 'capital interest' is substituted for 'stock' each place it appears.
- (2) A limited liability company and any noncorporate entity other than a partnership, estate, or trust is treated as a partnership.
- (3) The operating rule of section 318(a)(5) of the Code applies without regard to section 318(a)(5)(C).

~~Other Companies.~~ — In all other cases, none of the limited liability company's income, assets, liabilities, or equity is attributed to a principal corporation under this Article.

(d) No Double Inclusion. – If a corporation is required to include a percentage of a limited liability company's assets in its tax bases under this Article pursuant to subsection (b) of this section, its investment in the limited liability company is not included in its computation of capital stock base under G.S. 105-122(b).

(e) Affiliated Group. – If the owner of the capital interests in a limited liability company is an affiliated group of corporations, the percentage to be included pursuant to subsection (b) of this section by each group member that is doing business in this State is determined by multiplying the capital interests in the limited liability company owned by the affiliated group by a fraction. The numerator of the fraction is the capital interests in the limited liability company owned by the group member, and the denominator of the fraction is the capital interests in the limited liability company owned by all group members that are doing business in this State.

(f) Exemption. – This section does not apply to assets owned by a limited liability company if the total book value of the limited liability company's assets never exceeded one hundred fifty thousand dollars (\$150,000) during its taxable year.

(g) Timing. – Ownership of the capital interests in a limited liability company is determined as of the last day of its taxable year. The adjustments pursuant to subsections (b) and (d) of this section must be made to the owner's next following return filed under this Article. If a limited liability company and a corporation or an affiliated group of corporations have engaged in a pattern of transferring assets between them with the result that each did not own the capital interests on the last day of its taxable year, the ownership of the capital interests in the limited liability company must be determined as of the last day of the corporation or group of corporations' taxable year.

(h) Penalty. – A taxpayer who, because of fraud with intent to evade tax, underpays the tax under this Article on assets attributable to it under this section is guilty of a Class H felony in accordance with G.S. 105-236(7)."

**SECTION 2.** G.S. 105-114.1(b), as amended by this act, reads as rewritten:

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"(b) Controlled Companies. – If a corporation or an affiliated group of corporations owns ~~seventy percent (70%) or more~~ more than fifty percent (50%) of the capital interests in a limited liability company, the corporation or group of corporations must include in its three tax bases under this Article the same percentage of the limited liability company's net assets."

**SECTION 3.** Section 1 of this act becomes effective January 1, 2003, and applies to taxes due on or after that date. Section 2 of this act becomes effective January 1, 2005, and applies to taxes due on or after that date. The remainder of this act is effective when it becomes law.

The Conference Report is placed on the Calendar for tomorrow, Wednesday, June 16, for adoption, upon second reading.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

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

**H.B. 1366**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN ORDER ISSUED BY THE CLERK OF COURT, THE MAGISTRATE, OR THE COURT FOR CUSTODY RELATING TO INVOLUNTARY COMMITMENT IS VALID THROUGHOUT THE STATE, with a favorable report.

**H.B. 1373** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CLASSIFICATION OF ASSAULTING A PRIVATE CONTRACTOR EMPLOYED AS A PUBLIC TRANSPORTATION OPERATOR FROM A CLASS 2 MISDEMEANOR TO A CLASS A1 MISDEMEANOR, with a favorable report.

### CALENDAR

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

**S.B. 1060**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 22, upon third reading.

**S.B. 1181**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE ALLEGHANY OCCUPANCY TAX.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 22, upon second reading.

**H.B. 1447**, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF GREENVILLE AND THE TOWN OF WAYNESVILLE.

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Senator Swindell offers Amendment No. 1 which is adopted (46-0), which changes the title upon concurrence to read **H.B. 1447**, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITY OF GREENVILLE AND THE TOWN OF WAYNESVILLE.

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

**H.B. 1474** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT YANCEY COUNTY FROM THE PROVISIONS OF CHAPTER 143, ARTICLE 8 OF THE GENERAL STATUTES, FOR PURPOSES OF DEVELOPMENT OF A HEALTH CARE FACILITY IN A PUBLIC-PRIVATE INITIATIVE.

The Committee Substitute bill passes its second (46-0) and third readings 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 reports accompanying them, and take their place on the Calendar, as follows:

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

**S.B. 1202**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A SEPTIC TANK SYSTEM THAT IS FOR A LOT PLATTED PRIOR TO JULY 1, 1977, AND THAT IS OPERATED IN SOILS THAT ARE IN SOIL GROUP 1 MAY BE LOCATED TEN FEET OR MORE FROM ANY OTHER SEPTIC TANK SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

**H.B. 1574** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF THE LOWER HAW RIVER STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, AND TO DIRECT THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE FEASIBILITY AND DESIRABILITY OF ESTABLISHING A STATE RECREATION AREA AT BLEWETT FALLS LAKE, with a favorable report.

**H.B. 1607** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE A PORTION OF HEMLOCK BLUFFS STATE NATURAL AREA FROM THE STATE NATURE AND HISTORIC PRESERVE AND THE STATE PARKS SYSTEM TO PROVIDE A RIGHT-OF-WAY FOR THE WIDENING OF KILDAIRE FARM ROAD IN THE TOWN OF CARY, AND TO REMOVE THE HORNE CREEK LIVING HISTORICAL FARM LOCATED WITHIN PILOT

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MOUNTAIN STATE PARK FROM THE STATE PARKS SYSTEM IN ORDER TO ALLOW THE PROPERTY TO BE REALLOCATED TO THE DEPARTMENT OF CULTURAL RESOURCES FOR USE AS A STATE HISTORIC SITE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

#### **CALENDAR** *(continued)*

**S.B. 1171** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS; TO ALLOW THE SECRETARY OF REVENUE TO APPOINT EMPLOYEES OF THE MOTOR FUELS TAX DIVISION AS REVENUE LAW ENFORCEMENT OFFICERS; AND TO TRANSFER THE AUDIT FUNCTIONS FOR THE INTERNATIONAL REGISTRATION PLAN TO THE DEPARTMENT OF REVENUE FROM THE DIVISION OF MOTOR VEHICLES.

Upon motion of Senator Kerr, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 16, upon second reading.

**S.J.R. 1179**, A JOINT RESOLUTION HONORING THE PENLAND SCHOOL OF CRAFTS ON ITS 75TH ANNIVERSARY AND THE MEMORY OF LUCY MORGAN, THE FOUNDER OF THE PENLAND SCHOOL OF CRAFTS.

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

The joint resolution passes its second reading (45-0) and third reading with members standing, 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 reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I 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, 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 60503, which changes the title to read **H.B. 817** (Senate Committee Substitute), 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 AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIONAL RIFLE ASSOCIATION SPECIAL REGISTRATION PLATE, is adopted and engrossed.

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Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is referred to the **Finance 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, 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 60505, is adopted and engrossed.

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

#### **CALENDAR** (continued)

**H.B. 1352** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM AND TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND.

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

The Committee Substitute bill passes its second reading (32-16).

Senator Clodfelter objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Wednesday, June 16, upon third reading.

**H.B. 1448**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT SELLERS BE PROVIDED WITH NOTICE AND A SIXTY-DAY PERIOD TO RESPOND TO A REQUEST FOR A REFUND OF OVER-COLLECTED SALES OR USE TAXES BEFORE A PURCHASER MAY BRING A CAUSE OF ACTION AGAINST THE SELLER.

The bill passes its second (49-0) and third readings and 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 Kerr for the **Finance Committee**:

**H.B. 1414** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80462, which changes the title to read **H.B. 1414** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE NEW JOBS BY RECRUITING NEW BUSINESSES, GROWING EXISTING BUSINESSES, AND ENCOURAGING ENTREPRENEURS, is adopted and engrossed.

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

Upon motion of Senator Basnight, seconded by Senator Dalton, the Senate adjourns at 3:36 P.M. to meet tomorrow, Wednesday, June 16, at 2:00 P.M.

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### ONE HUNDRED TWENTY-EIGHTH DAY

Senate Chamber  
Wednesday, June 16, 2004

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, some of us insist on trying to make ourselves available to others all the time. The problem is we aren't worth much when people finally get an audience because we have little left to offer.

"So in our busy world, help us to find the sanctuary of solitude, even if only for a short time each day. In such quiet space we can measure our experiences, we can sort out our values and establish our priorities.

"The Bible verse, 'Be still and know that I am God,' provides a model and a way in which to meet the Eternal and empower our actions. Amen."

The Chair grants leaves of absence for today to Senator Carrington, Senator Holloman, Senator Malone and Senator Thomas.

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

*The President of the Senate extends courtesies of the floor to Dr. Mark J. Jaben from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Lisa Thiemann from Durham, 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:

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**H.B. 1448**, AN ACT TO REQUIRE THAT SELLERS BE PROVIDED WITH NOTICE AND A SIXTY-DAY PERIOD TO RESPOND TO A REQUEST FOR A REFUND OF OVER-COLLECTED SALES OR USE TAXES BEFORE A PURCHASER MAY BRING A CAUSE OF ACTION AGAINST THE SELLER.

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

**H.B. 1474**, AN ACT TO EXEMPT YANCEY COUNTY FROM THE PROVISIONS OF CHAPTER 143, ARTICLE 8 OF THE GENERAL STATUTES, FOR PURPOSES OF DEVELOPMENT OF A HEALTH CARE FACILITY IN A PUBLIC-PRIVATE INITIATIVE.

#### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

**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, with a favorable report.

Upon motion of Senator Kerr, the bill is placed on the Calendar for Monday, June 21.

**H.B. 817** (Senate Committee Substitute), 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 AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIONAL RIFLE ASSOCIATION SPECIAL REGISTRATION PLATE, with a favorable report.

Upon motion of Senator Kerr, the bill is placed on the Calendar for Monday, June 21.

**H.B. 1471**, A BILL TO BE ENTITLED AN ACT TO DEANNEX TWO DESCRIBED PARCELS FROM THE CORPORATE LIMITS OF THE TOWN OF BAKERSVILLE, with a favorable report.

Upon motion of Senator Kerr, the bill is placed on the Calendar for Monday, June 21.

**H.B. 1553**, A BILL TO BE ENTITLED AN ACT TO RATIFY THE BOUNDARIES OF THE TOWN OF GRIMESLAND BASED ON A NEW SURVEY ALONG THE EXISTING COMMONLY RECOGNIZED BOUNDARY, with a favorable report.

Upon motion of Senator Kerr, the bill is placed on the Calendar for Monday, June 21.

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By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

**S.B. 1209**, A BILL TO BE ENTITLED AN ACT MAKING A TECHNICAL CORRECTION TO THE AUTHORITY OF THE DURHAM CITY HOUSING APPEALS BOARD TO HEAR APPEALS, with a favorable report.

**S.B. 1315**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR CABARRUS COUNTY, with a favorable report.

**S.B. 1347**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF KANNAPOLIS TO HOLD A REFERENDUM ON THE OPERATION OF ABC STORES AS PART OF THE ROWAN COUNTY ABC SYSTEM, AND TO SPECIFY HOW PROFITS FROM THOSE STORES SHALL BE DISTRIBUTED, with a favorable report.

**S.B. 1355**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GOLDSBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR, with a favorable report.

**H.B. 1426** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM CERTAIN PUBLIC BIDDING LAWS THE CITY OF GREENVILLE IN THE CONSTRUCTION OF PARKING STRUCTURE PROJECTS IN ITS CENTRAL BUSINESS DISTRICT, with a favorable report.

**H.B. 1433** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT MEMBERS OF THE WAKE COUNTY HISTORIC PRESERVATION COMMISSION MAY RESIDE WITHIN THE CORPORATE BOUNDARIES OR EXTRATERRITORIAL JURISDICTION OF A MUNICIPALITY WITHIN THE COUNTY, with a favorable report.

**H.B. 1454** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF CHOCOWINITY, with a favorable report.

**H.B. 1551**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TERMS OF THE MEMBERS OF THE CIVIL SERVICE BOARD OF THE CITY OF ASHEVILLE, with a favorable report.

**H.B. 1564**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING THE CHARLOTTE REGIONAL VISITORS AUTHORITY, with a favorable report.

**H.B. 1588** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY

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COUNCIL TO DELEGATE TO THE CITY MANAGER THE POWER TO SETTLE CERTAIN CLAIMS AGAINST THE CITY, with a favorable report.

**H.B. 1640** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DARE COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER LOCAL GOVERNMENTAL EMPLOYEES, with a favorable report.

**S.B. 1370**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE PROCEDURE FOR DISPOSAL OF SURPLUS STANDARD AND SUBSTANDARD LOTS BY THE CITY OF GOLDSBORO, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55299, which changes the title to read **S.B. 1370** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE PROCEDURE FOR DISPOSAL OF SURPLUS STANDARD AND SUBSTANDARD LOTS BY THE CITY OF GOLDSBORO AND WAYNE COUNTY, is adopted and engrossed.

### CALENDAR

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

**S.B. 1124** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STRUCTURED SENTENCING LAWS WITH REGARD TO POST-RELEASE SUPERVISION AS RECOMMENDED BY THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Judiciary II Committee**.

**S.B. 51** (Conference Report), 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 ASSETS NOT INDIRECTLY OWNED BY CORPORATIONS, conference report for adoption.

Upon motion of Senator Clodfelter, the Conference Report is withdrawn from today's Calendar and is placed on the Calendar for Monday, June 21, for adoption upon second reading.

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**H.B. 1345**, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES.

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

**H.B. 1722**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CURRITUCK ALCOHOLIC BEVERAGE CONTROL BOARD FROM THREE TO FIVE MEMBERS.

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

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**CALENDAR** *(continued)*

**S.B. 1171** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS; TO ALLOW THE SECRETARY OF REVENUE TO APPOINT EMPLOYEES OF THE MOTOR FUELS TAX DIVISION AS REVENUE LAW ENFORCEMENT OFFICERS; AND TO TRANSFER THE AUDIT FUNCTIONS FOR THE INTERNATIONAL REGISTRATION PLAN TO THE DEPARTMENT OF REVENUE FROM THE DIVISION OF MOTOR VEHICLES.

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

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 44, noes 2, as follows:

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

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

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow, Thursday, June 17, upon third reading.

**WITHDRAWAL FROM COMMITTEE**

**H.B. 1478**, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE LAW CLARIFYING THE STATUS OF TEACHERS PARTICIPATING IN FOREIGN EXCHANGE PROGRAMS FOR PURPOSES OF RETIREMENT AND TENURE, referred to the **Education/Higher Education Committee** on June 14, 2004.

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

**CALENDAR** *(continued)*

**H.B. 1352** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM AND TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND.

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**.

**PRIVILEGES OF THE FLOOR**

The President extends privileges of the floor to The Honorable Howard Lee, former Senator from Orange County.

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**REPORTS OF COMMITTEES**

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

By Senator Shaw for the **Transportation Committee**:

**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, 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 50425, which changes the title to read **H.B. 23** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INSURE UNIFORM STATE LAWS ON PERSONAL WATERCRAFT, is adopted and engrossed.

**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, 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 50426, is adopted and engrossed.

The Senate recesses at 2:50 P.M. for the purpose of an Appropriations/Base Budget Committee meeting to reconvene at 2:55 P.M.

**RECESS**

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

**CALENDAR** (*continued*)

**S.B. 1202**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A SEPTIC TANK SYSTEM THAT IS FOR A LOT PLATTED PRIOR TO JULY 1, 1977, AND THAT IS OPERATED IN SOILS THAT ARE IN SOIL GROUP 1 MAY BE LOCATED TEN FEET OR MORE FROM ANY OTHER SEPTIC TANK SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

**H.B. 257** (Senate 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.

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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. 1366**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN ORDER ISSUED BY THE CLERK OF COURT, THE MAGISTRATE, OR THE COURT FOR CUSTODY RELATING TO INVOLUNTARY COMMITMENT IS VALID THROUGHOUT THE STATE.

Upon motion of Senator Hartsell, the bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, June 17.

**H.B. 1373** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CLASSIFICATION OF ASSAULTING A PRIVATE CONTRACTOR EMPLOYED AS A PUBLIC TRANSPORTATION OPERATOR FROM A CLASS 2 MISDEMEANOR TO A CLASS A1 MISDEMEANOR.

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

**H.B. 1574** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF THE LOWER HAW RIVER STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, AND TO DIRECT THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE FEASIBILITY AND DESIRABILITY OF ESTABLISHING A STATE RECREATION AREA AT BLEWETT FALLS LAKE.

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

**H.B. 1607** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE A PORTION OF HEMLOCK BLUFFS STATE NATURAL AREA FROM THE STATE NATURE AND HISTORIC PRESERVE AND THE STATE PARKS SYSTEM TO PROVIDE A RIGHT-OF-WAY FOR THE WIDENING OF KILDAIRE FARM ROAD IN THE TOWN OF CARY, AND TO REMOVE THE HORNE CREEK LIVING HISTORICAL FARM LOCATED WITHIN PILOT MOUNTAIN STATE PARK FROM THE STATE PARKS SYSTEM IN ORDER TO ALLOW THE PROPERTY TO BE REALLOCATED TO THE DEPARTMENT OF CULTURAL RESOURCES FOR USE AS A STATE HISTORIC SITE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Committee Substitute bill passes its second reading by a three-fifths majority vote as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Tillman, Webster, Weinstein and White—46.

Voting in the negative: None.

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The Committee Substitute bill passes its third reading by a three-fifths majority vote as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Tillman, Webster, Weinstein and White—46.

Voting in the negative: None.

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

### REPORTS OF COMMITTEES

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

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

**H.B. 1352** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM AND TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendments No. 1 and No. 2 are adopted. Amendment No. 1 changes the title upon concurrence to read **H.B. 1352** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM, TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND, AND TO APPROPRIATE FUNDS TO THE RURAL ECONOMIC DEVELOPMENT CENTER TO BE USED TO CREATE A NORTH CAROLINA ECONOMIC INFRASTRUCTURE PROGRAM.

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

### CALENDAR *(continued)*

**H.B. 1352** (Senate Amendment), A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM, TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND, AND TO APPROPRIATE FUNDS TO THE RURAL ECONOMIC DEVELOPMENT CENTER TO BE USED TO CREATE A NORTH CAROLINA ECONOMIC INFRASTRUCTURE PROGRAM.

*Without objection, Senator Sloan requests to be excused from voting on the bill due to a conflict of interest.*

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

The Committee Substitute bill, as amended by the Appropriations/Base Budget Committee, passes its third reading (28-16) and is ordered sent to the House of Representatives by special message, for concurrence in Senate Amendments No. 1 and No. 2.

### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

**H.J.R. 1342, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLARD EUGENE "GENE" MCCOMBS, 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 Foxx, the remarks of the members are spread upon the Journal, as follows:

#### **Senator Brock:**

"I first met Representative McCombs, Gene McCombs, when I first ran for office. They told me that you need to head down to Faith and go see him, and I went down and we stood on the street corner down there. I caught him outside in downtown Faith. We sat on a park bench, a little swing there, and I told him my intentions to run for office. He said, 'Well, if you are successful, just remember some key points that you need to do when you're in office. And if you're down in Raleigh, you might be able to be a committee chair or rise to the level of the power hierarchy of the Senate. But one thing you can do, and one of your most important duties, will be constituent service.' Gene McCombs served Rowan County, Faith, the Piedmont region for over 60 years. He led by example, very quiet. But I know every time I saw him I'd run to him and ask him about a couple of questions and he would always say he would trade my youth and vigor for his time and experience. He was a good friend; I looked to him as a good uncle, as a father, somebody that would give me great advice. I miss my friend, and I commend this resolution to you."

#### **Senator Hartsell:**

"Simply put, Gene McCombs was sort of one-of-a-kind. He sent his wife home with me one time in my Studebaker, bravely so. We only ran out of gas twice! I simply say, Gene was a classic example of a person who was very quiet, but if you simply asked him a question, he would give you a very direct answer. One thing that I remember particularly about that is the first time he ran for the General Assembly was 1992. He'd been a former mayor of Faith. There was a certain president of the United States, a George H. W. Bush, who decided to go to Faith for the Fourth of July. Now, you would think that that normally that would be quite an honor for Gene and for his town that he so dearly loved. But when asked about it after the

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fact, he said, 'You know, it was really nice, but when presidents come you cut down on the number of people coming because of all of the security and I didn't like that because we wanted as many people as we could get in our little town so they could spend their money.' He was a merchant of some consequence, and he would tell you those sorts of things periodically. One other thing, and Senator Brock mentioned this just a moment ago, there is no one I have ever run across who is more adept at constituent service than Gene. If you ever walked into his office, which I did frequently, he was kind of like Senator Carpenter; he was kind of like my dad, in a way. His office was just down the hall and his wife, Jeanne too, was also in there. They were always taking clippings from the paper; they were always calling home; they just spent all day long taking care of the constituents in his community, whom he dearly loved and who dearly loved him. I commend the resolution to you."

**Senator Shubert:**

"Thank you, Madame President. I will be uncharacteristically brief because Gene McCombs was always brief. He spoke very little, but he was a very positive pleasure to work with. It was an honor to serve with him in the House and I think his passing left the body poor. Thank you."

**Senator Bingham:**

"Just a few things about Gene McCombs. Of course, several of you here have served as County Commissioner and know the difficulty of it and some of the very extremely controversial issues that relate to being a County Commissioner. Gene served 16 years as a County Commissioner, and when I first ran he was one of the first people that I went to in Rowan County and he gave me such good advice. When I found out he had served that length of time, I indicated to him that certainly he didn't have any friends left in Rowan County because of the decisions he had to make. Then, amazingly, I found that Eugene McCombs had truly, I mean truly, friends, lifelong, who loved him. When I would go with him into some of the courthouse and other places, they would always smile when you mention the name Gene McCombs because he'd have a funny story or something they would remember or a trick he'd played on them or some kind of a joke. At the funeral, and there were several people here that drove all the way from Raleigh and other places around over the state to go to his funeral, and some people waited six hours to see the family. He had hundreds of people and every one that I spoke to and knew of Gene McCombs truly considered him a sincere and dedicated friend, and they would all say the same. Either they would remember something funny about him, something that he did or, in fact, that he had helped them in some way. So, he was an extremely wonderful man, and I can't say how much I would commend this resolution to you. Thank you much."

The joint resolution passes its second reading (45-0) and third reading with members standing, and is ordered enrolled.

Upon motion of Senator Dannelly, seconded by Senator Hargett, the Senate adjourns subject to receipt of committee reports, to meet tomorrow, Thursday, June 17, at 11:00 A.M.

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**REPORTS OF COMMITTEES**

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

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

**S.B. 1127**, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF WALLBURG, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55300, is adopted and engrossed.

**H.B. 1569**, A BILL TO BE ENTITLED AN ACT REPEALING THE AUTHORITY OF COLUMBUS COUNTY AND THE MUNICIPALITIES LOCATED WITHIN THAT COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES, 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 30558, which changes the title to read **H.B. 1569** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REPEALING THE AUTHORITY OF COLUMBUS COUNTY 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.

**H.B. 1430** (Committee Substitute), 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 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 60508, which changes the title to read **H.B. 1430** (Senate Committee Substitute), 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, TO SET THE PUBLIC UTILITY AND INSURANCE REGULATORY FEES, TO EXTEND THE SUNSET ON THE LOW-INCOME HOUSING TAX CREDIT, TO CLARIFY THE SALES TAX INCENTIVES FOR MAJOR PROJECTS, TO MAINTAIN THE CURRENT SALES TAX RATES ON ELECTRICITY USED BY MANUFACTURERS, AND TO ESTABLISH FAMILY COURT FEES, is adopted and engrossed.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 5:16 P.M.

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**ONE HUNDRED TWENTY-NINTH DAY**

Senate Chamber  
Thursday, June 17, 2004

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, each day we ask for Your guidance as Senators consider bills that may become law. We would not be so presumptuous as to ask the means by which You communicate to the members here.

"We don't think there will be divine handwriting on the wall, we don't expect to see fire and smoke to guide them. But we would ask that You speak to each Senator in the way he or she hears You best.

"Often, the answers we seek from You are not couched in words, but are framed by the experience of the heart. Hear our prayers. Amen."

The Chair grants leaves of absence for today to Senator Hoyle and Senator Thomas.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, 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. Shirish D. Devasthali from Fayetteville, North Carolina, who is serving the Senate as Doctor of the Day, and to Sherry Owens from Advance, North Carolina, who is serving the Senate as Nurse of the Day.*

**ENROLLED BILLS**

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

**H.B. 1607**, AN ACT TO REMOVE A PORTION OF HEMLOCK BLUFFS STATE NATURAL AREA FROM THE STATE NATURE AND HISTORIC PRESERVE AND THE STATE PARKS SYSTEM TO PROVIDE A RIGHT-OF-WAY FOR THE WIDENING OF KILDAIRE FARM ROAD IN THE TOWN OF CARY, AND TO REMOVE THE HORNE CREEK LIVING HISTORICAL FARM LOCATED WITHIN PILOT MOUNTAIN STATE PARK FROM THE STATE PARKS SYSTEM IN ORDER TO ALLOW THE PROPERTY TO BE REALLOCATED TO THE DEPARTMENT OF CULTURAL RESOURCES FOR USE AS A STATE HISTORIC SITE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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**H.B. 1373**, AN ACT TO INCREASE THE CLASSIFICATION OF ASSAULTING A PRIVATE CONTRACTOR EMPLOYED AS A PUBLIC TRANSPORTATION OPERATOR FROM A CLASS 2 MISDEMEANOR TO A CLASS A1 MISDEMEANOR.

**H.B. 1574**, AN ACT TO AUTHORIZE THE ADDITION OF THE LOWER HAW RIVER STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, AND TO DIRECT THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE FEASIBILITY AND DESIRABILITY OF ESTABLISHING A STATE RECREATION AREA AT BLEWETT FALLS LAKE.

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. 1342**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLARD EUGENE "GENE" MCCOMBS, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 2004-3)

#### 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. 1474**, AN ACT TO EXEMPT YANCEY COUNTY FROM THE PROVISIONS OF CHAPTER 143, ARTICLE 8 OF THE GENERAL STATUTES, FOR PURPOSES OF DEVELOPMENT OF A HEALTH CARE FACILITY IN A PUBLIC-PRIVATE INITIATIVE. (Became law upon ratification, June 16, 2004 - S.L. 2004-7.)

#### CALENDAR

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

**H.B. 23** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INSURE UNIFORM STATE LAWS ON PERSONAL WATERCRAFT.

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**.

#### 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 Hoyle; Kinnaird:

**S.J.R. 1439**, A JOINT RESOLUTION PROVIDING THAT THE 2004 REGULAR SESSION OF THE 2003 GENERAL ASSEMBLY SHALL MEET IN

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JOINT SESSION TO HONOR BILL FRIDAY AND INVITING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY.

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 (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 as follows:

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

**S.B. 1136**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE CITY OF DURHAM TO ADOPT ORDINANCES AND GUIDELINES CONCERNING PROTEST PETITIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55301, is adopted and engrossed.

**H.B. 1363**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE LAKE TOXAWAY PROPERTY OWNERS' ASSOCIATION IN TRANSYLVANIA 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 60506, is adopted and engrossed.

**H.B. 1543** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL, 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 10322, is adopted and engrossed.

### CONFERENCE REPORT

Senator Rand for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **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, 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 1303, A BILL TO BE ENTITLED AN

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ACT TO EXEMPT ATHLETIC CONTESTS SPONSORED BY INCOME TAX EXEMPT PERSONS FROM THE AMUSEMENTS PRIVILEGE TAX, Committee Substitute Favorable 6/23/03, submit the following report:

The Senate recedes from amendment #1, the House concurs in amendment #2, and the House and Senate agree to the following amendments:

On page 1, line 10, delete the word "less" and substitute the words "not more"; and

On page 2, lines 13, 22, and 23 of amendment #2, delete "2003" and substitute "2004".

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

Date Conferees approved report: June 16, 2004.

*Conferees for the Senate*

S/Tony Rand, Chair  
S/David W. Hoyle  
S/Tom Apodaca

*Conferees for the House of Representatives*

S/Daniel F. McComas, Chair  
S/Harold J. Brubaker  
S/Pryor A. Gibson, III  
S/James A. Harrell, III  
S/Paul Luebke  
S/David M. Miner  
S/Edgar V. Starnes  
S/Thomas E. Wright

Conference Report for H.B. 1303 changes the title to read **H.B. 1303** (Conference Report), A BILL TO BE ENTITLED AN ACT TO REDUCE PRIVILEGE AND EXCISE TAXES.

The Conference Report is placed on the Calendar for Monday, June 21, for adoption.

### REPORTS OF COMMITTEES

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

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

**S.B. 754**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE STOCK CAR RACING THEME SPECIAL PLATES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15289, is adopted and engrossed.

**S.B. 1244**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA CEMETERY COMMISSION TO INCREASE CERTAIN

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FEES AND MAKING CLARIFYING CHANGES UNDER THE NORTH CAROLINA CEMETERY 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 55303, is adopted and engrossed.

**S.B. 1384**, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING, AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING, AND INCREASING FEES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85357, is adopted and engrossed.

**S.B. 1388**, A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA AND APPROPRIATING REED ACT FUNDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35481, which changes the title to read **S.B. 1388** (Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA AND TO APPROPRIATE FUNDS FOR THE OPERATION AND SUPPORT OF LOCAL ESC OFFICES, is adopted and engrossed.

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

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

#### **CALENDAR** (continued)

**S.B. 1127** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF WALLBURG, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Tillman, Webster, Weinstein and White—47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, June 21, upon third reading.

**S.B. 1209**, A BILL TO BE ENTITLED AN ACT MAKING A TECHNICAL CORRECTION TO THE AUTHORITY OF THE DURHAM CITY HOUSING APPEALS BOARD TO HEAR APPEALS.

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The bill passes its second and third readings and is ordered sent to the House of Representatives.

**S.B. 1315**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR CABARRUS COUNTY.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

**S.B. 1347**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF KANNAPOLIS TO HOLD A REFERENDUM ON THE OPERATION OF ABC STORES AS PART OF THE ROWAN COUNTY ABC SYSTEM, AND TO SPECIFY HOW PROFITS FROM THOSE STORES SHALL BE DISTRIBUTED.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

**S.B. 1355**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GOLDSBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

**S.B. 1370** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE PROCEDURE FOR DISPOSAL OF SURPLUS STANDARD AND SUBSTANDARD LOTS BY THE CITY OF GOLDSBORO AND WAYNE COUNTY.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

**H.B. 1426** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM CERTAIN PUBLIC BIDDING LAWS THE CITY OF GREENVILLE IN THE CONSTRUCTION OF PARKING STRUCTURE PROJECTS IN ITS CENTRAL BUSINESS DISTRICT.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

**H.B. 1433** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT MEMBERS OF THE WAKE COUNTY HISTORIC PRESERVATION COMMISSION MAY RESIDE WITHIN THE CORPORATE BOUNDARIES OR EXTRATERRITORIAL JURISDICTION OF A MUNICIPALITY WITHIN THE COUNTY.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

**H.B. 1454** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF CHOCOWINITY.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

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**H.B. 1551**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TERMS OF THE MEMBERS OF THE CIVIL SERVICE BOARD OF THE CITY OF ASHEVILLE.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 1564**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING THE CHARLOTTE REGIONAL VISITORS AUTHORITY.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 1640** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DARE COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER LOCAL GOVERNMENTAL EMPLOYEES.

The Committee Substitute bill passes its second reading (47-0).

Senator Smith objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, June 21, upon third reading.

**H.B. 1569** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REPEALING THE AUTHORITY OF COLUMBUS COUNTY 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 and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

**H.B. 1588** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE POWER TO SETTLE CERTAIN CLAIMS AGAINST THE CITY.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

**S.B. 1171** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAXATION OF MOTOR FUELS; TO ALLOW THE SECRETARY OF REVENUE TO APPOINT EMPLOYEES OF THE MOTOR FUELS TAX DIVISION AS REVENUE LAW ENFORCEMENT OFFICERS; AND TO TRANSFER THE AUDIT FUNCTIONS FOR THE INTERNATIONAL REGISTRATION PLAN TO THE DEPARTMENT OF REVENUE FROM THE DIVISION OF MOTOR VEHICLES, as amended on second reading, upon third reading.

The Committee Substitute bill, as amended, passes its third 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,

June 17, 2004

Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Tillman, Weinstein and White—45.

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

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

**H.B. 1430** (Senate Committee Substitute), 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, TO SET THE PUBLIC UTILITY AND INSURANCE REGULATORY FEES, TO EXTEND THE SUNSET ON THE LOW-INCOME HOUSING TAX CREDIT, TO CLARIFY THE SALES TAX INCENTIVES FOR MAJOR PROJECTS, TO MAINTAIN THE CURRENT SALES TAX RATES ON ELECTRICITY USED BY MANUFACTURERS, AND TO ESTABLISH FAMILY COURT FEES, upon second reading.

The Senate 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, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Tillman, Weinstein and White—46.

Voting in the negative: Senator Webster—1.

The Senate Committee Substitute bill remains on the Calendar for Monday, June 21, upon third reading.

**H.B. 26** (Senate Committee Substitute), 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.

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.

**H.B. 1366**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN ORDER ISSUED BY THE CLERK OF COURT, THE MAGISTRATE, OR THE COURT FOR CUSTODY RELATING TO INVOLUNTARY COMMITMENT IS VALID THROUGHOUT THE STATE.

The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

Upon motion of Senator Basnight, seconded by Senator Weinstein, the Senate adjourns subject to reading of messages from the House of Representatives, to meet Monday, June 21, at 7:00 P.M.

June 17, 2004



**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

**S.B. 1098** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE VITAL STATE FACILITIES FOR HEALTH CARE AND BIOTECHNOLOGY RESEARCH, TO SUPPORT REPAYMENT OF THE DEBT FROM THE HEALTH AND WELLNESS AND TOBACCO TRUST FUNDS, AND TO DIRECT THE STATE TREASURER TO STUDY THE POTENTIAL COSTS AND BENEFITS OF INNOVATIVE STATE FINANCING, for concurrence in House Committee Substitute bill No. 3.

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

**MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following message is received from the House of Representatives:

**H.B. 1413** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE LONG-TERM CARE INSURANCE TAX CREDIT.

Referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 12:03 P.M.

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**ONE HUNDRED THIRTIETH DAY**

Senate Chamber  
Monday, June 21, 2004

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, we learned growing up in our families that complete harmony and unanimity of beliefs were the exception rather than the rule. The Senate family, I guess, is no different. Yet we pray at the beginning of this week that You would unite the Lieutenant Governor and the Senators this week in heart, though they may differ in opinions.

"Each has been called to a special place in Your kingdom's business here.

"When we pray at the beginning of each session, let us imagine in our mind's eye that we are a family clasping hands, working against the great injustices of this world. In Your holy name we pray, Amen."

June 21, 2004

The Chair grants leaves of absence for tonight to Senator Foxx, Senator Jenkins and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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. Kathleen J. Clem from Durham, 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. 1366**, AN ACT TO PROVIDE THAT AN ORDER ISSUED BY THE CLERK OF COURT, THE MAGISTRATE, OR THE COURT FOR CUSTODY RELATING TO INVOLUNTARY COMMITMENT IS VALID THROUGHOUT THE STATE.

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. 1386**, AN ACT AMENDING THE CHARTER OF THE TOWN OF INDIAN TRAIL TO REMOVE THE REQUIREMENT THAT THE TOWN ATTORNEY SHALL ATTEND ALL TOWN COUNCIL MEETINGS.

**H.B. 1426**, AN ACT TO EXEMPT FROM CERTAIN PUBLIC BIDDING LAWS THE CITY OF GREENVILLE IN THE CONSTRUCTION OF PARKING STRUCTURE PROJECTS IN ITS CENTRAL BUSINESS DISTRICT.

**H.B. 1433**, AN ACT PROVIDING THAT MEMBERS OF THE WAKE COUNTY HISTORIC PRESERVATION COMMISSION MAY RESIDE WITHIN THE CORPORATE BOUNDARIES OR EXTRATERRITORIAL JURISDICTION OF A MUNICIPALITY WITHIN THE COUNTY.

**H.B. 1454**, AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF CHOCOWINITY.

**H.B. 1551**, AN ACT RELATING TO THE TERMS OF THE MEMBERS OF THE CIVIL SERVICE BOARD OF THE CITY OF ASHEVILLE.

**H.B. 1564**, AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING THE CHARLOTTE REGIONAL VISITORS AUTHORITY.

**H.B. 1588**, AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE POWER TO SETTLE CERTAIN CLAIMS AGAINST THE CITY.

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**S.J.R. 1179**, A JOINT RESOLUTION HONORING THE PENLAND SCHOOL OF CRAFTS ON ITS 75TH ANNIVERSARY AND THE MEMORY OF LUCY MORGAN, THE FOUNDER OF THE PENLAND SCHOOL OF CRAFTS. (Res. 2004-4)

### 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. 1465**, A BILL TO BE ENTITLED AN ACT TO ALLOW FARMLAND OWNED BY A FAMILY BUSINESS TO KEEP ITS PRESENT-USE VALUE TAX STATUS WHEN LEASED FOR FARM USE. (Became law upon approval of the Governor, June 17, 2004 - S.L. 2004-8.)

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

**H.B. 224** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF KANNAPOLIS, 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 80465, which changes the title to read **H.B. 224** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF KANNAPOLIS, TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF MOUNT PLEASANT, AND TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF MIDLAND, is adopted and engrossed.

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

**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, with an unfavorable report as to concurrence.

### CALENDAR

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

**H.B. 1303** (Conference Report), A BILL TO BE ENTITLED AN ACT TO REDUCE PRIVILEGE AND EXCISE TAXES.

Upon motion of Senator Rand, the Conference Report is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, June 22.

June 21, 2004

**INTRODUCTION OF A BILL**

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

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

**S.J.R. 1440**, A JOINT RESOLUTION HONORING WILLIAM "BILL" FRIDAY, PRESIDENT EMERITUS OF THE UNIVERSITY OF NORTH CAROLINA AND THE MEMORY OF WILLIAM R. DAVIE, CHIEF FOUNDER OF THE UNIVERSITY OF NORTH CAROLINA.

Upon motion of Senator Rand, the joint resolution is placed on the Calendar for tomorrow, Tuesday, June 22.

**CALENDAR** (*continued*)

**S.B. 1127** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF WALLBURG, 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, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and White—47.

Voting in the negative: None.

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

**H.B. 1471**, A BILL TO BE ENTITLED AN ACT TO DEANNEX TWO DESCRIBED PARCELS FROM THE CORPORATE LIMITS OF THE TOWN OF BAKERSVILLE, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and White—47.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Tuesday, June 22, upon third reading.

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**H.B. 1553**, A BILL TO BE ENTITLED AN ACT TO RATIFY THE BOUNDARIES OF THE TOWN OF GRIMESLAND BASED ON A NEW SURVEY ALONG THE EXISTING COMMONLY RECOGNIZED BOUNDARY, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and White—47.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Tuesday, June 22, upon third reading.

**S.B. 1136** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE CITY OF DURHAM TO ADOPT ORDINANCES AND GUIDELINES CONCERNING PROTEST PETITIONS.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

**H.B. 1363** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE LAKE TOXAWAY PROPERTY OWNERS' ASSOCIATION IN TRANSYLVANIA 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. 1543** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL.

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. 1640** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DARE COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER LOCAL GOVERNMENTAL EMPLOYEES.

The Committee Substitute bill passes its third reading (47-0) and is ordered enrolled.

**H.B. 1430** (Senate Committee Substitute), 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, TO SET THE PUBLIC UTILITY AND INSURANCE REGULATORY FEES, TO EXTEND THE SUNSET ON THE LOW-INCOME HOUSING TAX CREDIT, TO CLARIFY THE SALES TAX INCENTIVES FOR MAJOR PROJECTS, TO MAINTAIN THE CURRENT SALES TAX RATES ON ELECTRICITY USED BY MANUFACTURERS, AND TO ESTABLISH FAMILY COURT FEES, upon third reading.

June 21, 2004

The Senate Committee Substitute bill passes 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, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and White—46.

Voting in the negative: Senator Webster—1.

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

### 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 Lucas for the **Education/Higher Education Committee**:

**H.B. 1455**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND RECOMMEND A FUNDING FORMULA FOR ALTERNATIVE LEARNING PROGRAMS AND ALTERNATIVE SCHOOLS, with a favorable report.

**H.B. 1456** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE A SPECIFIED PERCENTAGE OF AT-RISK FUNDS FOR SERVICES TO STUDENTS WHO ARE SUSPENDED FROM SCHOOL FOR MORE THAN TEN DAYS, with a favorable report.

**H.B. 1136** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE JOB SHARING BY MEDIA COORDINATORS IN THE PUBLIC SCHOOLS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80466, which changes the title to read **H.B. 1136** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE WILLIAM FRIDAY INSTITUTE FOR LEADERSHIP DEVELOPMENT, is adopted and engrossed.

### CALENDAR *(continued)*

**S.B. 754** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE STOCK CAR RACING THEME SPECIAL PLATES.

June 21, 2004

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

**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.

The bill passes its second reading (45-2).

Senator Shubert objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Tuesday, June 22, upon third reading.

#### 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. 1439**, A JOINT RESOLUTION PROVIDING THAT THE 2004 REGULAR SESSION OF THE 2003 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR BILL FRIDAY AND INVITING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY. (Res. 2004-5)

#### CALENDAR *(continued)*

**S.B. 1244** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA CEMETERY COMMISSION TO INCREASE CERTAIN FEES AND MAKING CLARIFYING CHANGES UNDER THE NORTH CAROLINA CEMETERY ACT.

The Committee Substitute bill passes its second (46-1) and third readings and is ordered sent to the House of Representatives.

**S.B. 1384** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING, AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING, AND INCREASING FEES.

The Committee Substitute bill passes its second (45-2) and third readings and is ordered sent to the House of Representatives.

**H.B. 817** (Senate Committee Substitute), 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 AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIONAL RIFLE ASSOCIATION SPECIAL REGISTRATION PLATE.

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

The Senate Committee Substitute bill passes its second reading (44-2).

June 21, 2004

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, June 22.

**S.B. 51** (Conference Report), 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 adoption upon second reading.

Upon motion of Senator Clodfelter, the Senate adopts the Conference Report on its second reading by roll-call vote (47-0):

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and White—47.

Voting in the negative: None.

The Conference Report remains on the Calendar for tomorrow, Tuesday, June 22, for adoption upon third reading.

#### WITHDRAWAL FROM CALENDAR

**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, placed on the Calendar for tomorrow, Tuesday, June 22.

Senator Shubert withdraws her objection to third reading and offers a motion that the bill be withdrawn from the Calendar for June 22, and placed on tonight's Calendar, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the Calendar of June 22 and places it on tonight's Calendar, upon third reading.

The bill passes its third reading (46-1) and is ordered sent to the House of Representatives.

#### SENATE PAGES

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

Scott Allen, Raleigh; Alexandria Brinkley, Taylorsville; Kevin Harris Bullard, Raleigh; Kyle McKenzie Bullard, Raleigh; Michael Toms Cadwallader, Raleigh; Travis Cooke, Greensboro; Erin Daughtridge, Rocky Mount; Michael Doll, Manteo; Jennifer Nicole Durham, Raleigh; Christopher Raymond Dyer, Winston-Salem; Amanda Leigh Edwards, New Bern; Meghan Fountain, Cary; Katherine Leigh Gillam, Windsor; Daniel Goodman, Cary; Courtney Ham, Vass; Emily Lauren Heard, Hickory; Eric William Helke, Greensboro; Lauren Hodge, Wendell; David Ross

June 21, 2004



Howard, Jr., Greensboro; Leah Stephanie Kramer, Whiteville; Alex Leatherman, Raleigh; Carolyn Lee, Clayton; Lauren Massey, Raleigh; James Bradford McNeill, Whiteville; Ann Elaine Meade, State Road; Joshua Daniel Pesavento, Cary; Kathryn Schoenthaler, Kitty Hawk; Lauren Blaire Seymour, Snow Hill; Samantha Jo Simpson, Kill Devil Hills; Alexandra Hiram Ward, Cary; George Anthony Wayne, Whiteville; and Justin Taylor Whisnant, Gastonia.

Upon motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns subject to reading of messages from the House of Representatives, to meet tomorrow, Tuesday, June 22, at 2:45 P.M.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

House of Representatives  
June 21, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **S.B. 51** (Conference 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 ASSETS NOT INDIRECTLY OWNED BY CORPORATIONS.

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

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

#### **MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**H.B. 1264** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT REGULATORY FEES.

Referred to the **Finance Committee**.

**H.B. 1449** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT.

Referred to the **Judiciary I Committee**.

June 21, 2004

**H.B. 1509**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CABARRUS MEMORIAL HOSPITAL MAY AWARD ADVANCED DEGREES TO GRADUATES OF ITS NURSING AND ALLIED HEALTH SCIENCES PROGRAMS AS APPROPRIATE.

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

**H.B. 1529**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE MOORE COUNTY BOARD OF EDUCATION TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE U. S. OPEN GOLF TOURNAMENT.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 8:09 P.M.

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### ONE HUNDRED THIRTY-FIRST DAY

Senate Chamber  
Tuesday, June 22, 2004

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. Loving and gracious God, our heavenly father, You have been so very good to us with Your abundant blessings. There are many of us who have come through severe storms. You have been there for us and it is at this time that we say thank you.

"There are citizens in this State and beyond who have benefited and will benefit from the talents which You have given to the leaders of this Senate as they develop the budget, and we say thank you.

"On today we are honoring one of Your chosen sons, to whom You have given much and who has given back to this State and this Nation, with his bold and courageous leadership, and for Your having given him to us we say thank you.

"Continue to create within us clean hearts so that we may serve You, each other, and the citizens of this state, especially as You have revealed to us in Your holy word.

"In Your precious name we pray, Amen."

The Chair grants leaves of absence for today to Senator Jenkins, Senator Reeves, Senator Rucho, Senator Shubert and Senator Weinstein.

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

June 22, 2004

*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 Julie Lowery from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.*

#### WITHDRAWAL FROM COMMITTEE

**S.B. 179**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 29TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 26, 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 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. 1060**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 23.

**H.B. 1471**, A BILL TO BE ENTITLED AN ACT TO DEANNEX TWO DESCRIBED PARCELS FROM THE CORPORATE LIMITS OF THE TOWN OF BAKERSVILLE.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 23.

**H.B. 1553**, A BILL TO BE ENTITLED AN ACT TO RATIFY THE BOUNDARIES OF THE TOWN OF GRIMESLAND BASED ON A NEW SURVEY ALONG THE EXISTING COMMONLY RECOGNIZED BOUNDARY.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 23.

**S.B. 1181**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE ALLEGHANY OCCUPANCY TAX.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 23.

**H.B. 224** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF

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KANNAPOLIS, TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF MOUNT PLEASANT, AND TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF MIDLAND.

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, June 23.

**H.B. 1455**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND RECOMMEND A FUNDING FORMULA FOR ALTERNATIVE LEARNING PROGRAMS AND ALTERNATIVE SCHOOLS.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 23.

**H.B. 1456** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE A SPECIFIED PERCENTAGE OF AT-RISK FUNDS FOR SERVICES TO STUDENTS WHO ARE SUSPENDED FROM SCHOOL FOR MORE THAN TEN DAYS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 23.

**H.B. 817** (Senate Committee Substitute), 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 AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIONAL RIFLE ASSOCIATION SPECIAL REGISTRATION PLATE.

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, June 23.

**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 Rand, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 23.

**S.B. 51** (Conference Report), 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.

Upon motion of Senator Rand, the Conference Report bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 23.

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**H.B. 1303** (Conference Report), A BILL TO BE ENTITLED AN ACT TO REDUCE PRIVILEGE AND EXCISE TAXES.

Upon motion of Senator Rand, the Conference Report is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 23.

#### 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. 1640**, AN ACT TO AUTHORIZE THE DARE COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER LOCAL GOVERNMENTAL EMPLOYEES.

#### 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. 1386**, AN ACT AMENDING THE CHARTER OF THE TOWN OF INDIAN TRAIL TO REMOVE THE REQUIREMENT THAT THE TOWN ATTORNEY SHALL ATTEND ALL TOWN COUNCIL MEETINGS. (Became law upon ratification, June 21, 2004 - S.L. 2004-9.)

**H.B. 1426**, AN ACT TO EXEMPT FROM CERTAIN PUBLIC BIDDING LAWS THE CITY OF GREENVILLE IN THE CONSTRUCTION OF PARKING STRUCTURE PROJECTS IN ITS CENTRAL BUSINESS DISTRICT. (Became law upon ratification, June 21, 2004 - S.L. 2004-10.)

**H.B. 1433**, AN ACT PROVIDING THAT MEMBERS OF THE WAKE COUNTY HISTORIC PRESERVATION COMMISSION MAY RESIDE WITHIN THE CORPORATE BOUNDARIES OR EXTRATERRITORIAL JURISDICTION OF A MUNICIPALITY WITHIN THE COUNTY. (Became law upon ratification, June 21, 2004 - S.L. 2004-11.)

**H.B. 1454**, AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF CHOCOWINITY. (Became law upon ratification, June 21, 2004 - S.L. 2004-12.)

**H.B. 1551**, AN ACT RELATING TO THE TERMS OF THE MEMBERS OF THE CIVIL SERVICE BOARD OF THE CITY OF ASHEVILLE. (Became law upon ratification, June 21, 2004 - S.L. 2004-13.)

**H.B. 1564**, AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE CONCERNING THE CHARLOTTE REGIONAL VISITORS AUTHORITY. (Became law upon ratification, June 21, 2004 - S.L. 2004-14.)

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**H.B. 1588**, AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE POWER TO SETTLE CERTAIN CLAIMS AGAINST THE CITY. (Became law upon ratification, June 21, 2004 - S.L. 2004-15.)

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. 1439.

#### **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 pursuant to **S.J.R. 1439**, A JOINT RESOLUTION PROVIDING THAT THE 2004 REGULAR SESSION OF THE 2003 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR BILL FRIDAY 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 G. Weeks  
Principal Clerk

#### **JOINT SESSION**

With Members of the Senate standing, the Members of the House of Representatives are 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; The Honorable James E. Holshouser, Jr.; The Honorable James B. Hunt, Jr.; Dr. William Friday; his wife, Ida; and other family members and friends.*

#### **CALENDAR** *(continued)*

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

**S.J.R. 1440**, A JOINT RESOLUTION HONORING WILLIAM "BILL" FRIDAY, PRESIDENT EMERITUS OF THE UNIVERSITY OF NORTH CAROLINA AND THE MEMORY OF WILLIAM R. DAVIE, CHIEF FOUNDER OF THE UNIVERSITY OF NORTH CAROLINA.

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

**Governor Michael Easley:**

“Thank you, Governor Perdue and Governor Jim Hunt, Governor Jim Holshouser, Senate President *Pro Tempore* Marc Basnight, Speaker Jim Black, Speaker Richard Morgan, members of the General Assembly, officials and guests. I want to thank all of you for being here today as we recognize the life and works of two truly great North Carolinians. William (Bill) Friday and Ida Howell Friday have spent a lifetime serving our State and our people. They’ve led by example and given back so much to all of us and to North Carolina. Bill Friday grew up in a small town of Dallas in Gaston County. He had dreams of being a baseball player and word is he was pretty good at it. But, Bill Friday wound up going to college and I certainly want to thank you for making that decision. Bill Friday attended Wake Forest University and North Carolina State College, where he graduated in 1941 as class president with a Bachelor’s Degree in textile engineering. The college experience was special for the Fridays because that is where they met on a blind date in 1940. Ida, who grew up in Lumberton, was attending Meredith College at the time. Two years later, they were married and have now been married for over 60 years. The 1940’s were also a time of worldwide conflict. Bill Friday served as a lieutenant in the Naval Reserve and after the war, enrolled in the UNC-Chapel Hill School of Law. He graduated in 1948 and soon was named Assistant to the Dean of Students there. Well, Ida graduated the same year with a master’s degree in public health from UNC-Chapel Hill and went on to work for Carolina Power and Light. She also was an instructor at UNC’s School of Public Health. In 1956, President Friday was named President of the University of North Carolina and it was under his leadership and direction that the UNC System flourished. I well remember being a student at UNC-Chapel Hill when Bill Friday was President of the system. One day made a lasting impression on me. He was driving down the middle of campus, Columbia Avenue, as I was walking to class and he stopped his car, rolled his window down and spoke to one of the maintenance people working in the garden. He called him by first name. The man showed his respects back, and I thought, ‘If he can take the time to speak to and know everybody on this campus by first name, then all of us ought to do that every opportunity throughout our careers.’ While Bill Friday was at UNC, he and Ida welcomed the arrival of three daughters. Frances, Mary, and Betsy. Despite Ida’s job of full-time mother, she still found time to be very, very active in her community. In 1974, in fact, Ida was presented the Citizen of the Year Award by the Chapel Hill Chamber of Commerce and in 1981, she was given the North Carolina Public Service Award. Now, Bill Friday retired, or says he did, in 1986 after 30 years of fantastic service. Since his retirement, Bill Friday has contributed continually to North Carolina. He hosts the public television show, *North Carolina People*. I’ve been a guest on that show and felt right at home with his relaxed, laidback style. He makes everybody always welcome. Now Ida has remained heavily involved in various organizations such as the Governor’s Task Force on Heart Disease and Stroke Prevention and currently serves on the Board of Directors for the North Carolina Public Television Foundation. She has been presented the Distinguished Alumni Award from the Alumni Association in Chapel Hill. She was also designated as one of Meredith College’s One Hundred Distinguished Alumni in 1999. President Friday has served on numerous boards and nonprofits including the

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William R. Kenan, Jr. Charitable Trust where he was executive director for 10 years. He chaired the President's Task Force on Education under two different administrations and in 1997, President Clinton presented him with the National Humanities Medal. He also served as the first Chair of the North Carolina Golden Leaf Foundation, working to invest in our State's tobacco-dependent communities. Ida and Bill Friday are two great North Carolinians. But, in addition to that, they are great examples to each and every one of us and to all North Carolinians, not only in their professional life, but in their private life and their personal life. So first, I have proclaimed June 22, 2004 as William and Ida Friday Day and I want to present you with that Proclamation in just a second. I'm not going to read it, I'll leave that to Senator Hoyle. But at this time, I'm going to ask Ida and Bill Friday to please step up here with me, along with Governor Hunt and Governor Holshouser, because I'm going to need their help. Now I'd like to bestow the highest civilian honor to both Bill and Ida Friday, so I do by these presents confer *The Order of the Long Leaf Pine* with the rank of Ambassador Extraordinaire privilege to enjoy fully all rights granted to members of this exalted order, among which is the special privilege to propose the following North Carolina toast in select company anywhere in the free world. I'm going to ask you to 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.' You have truly helped the weak grow strong and made the strong grow great. And thanks to you, Bill Friday, and you, Ida Friday. You have improved the quality of life of millions of North Carolinians. Thank you and God bless you."

**Governor James B. Hunt, Jr.:**

"Thank you. Lieutenant Governor Perdue, thank you very much. President *Pro Tempore*, Marc Basnight, Speaker Black, Speaker Morgan, Governor Easley, Governor Holshouser, Lieutenant Governor Jordan, President Molly Broad and the leadership of the University, members of the Senate and the House, ladies and gentlemen. I want to commend the legislature for honoring Bill Friday today. I remember when I got the call, President Basnight, about you all planning to do this, and I said, 'What a wonderful idea.' And you're certainly doing it in great style. Bill Friday and, of course, his wife Ida – when you say one, you're really saying both – was one of the greatest leaders that this State has ever provided in all of our history. He is a man of the soil and the textile mills of Gaston County. He grew up an ambitious student, hungry for knowledge and an ambitious baseball player, hungry to get on the base. He went to a lot of our State's Universities, as some of you may well know, Wake Forest, NC State, The University of North Carolina at Chapel Hill, and he's been learning ever since. He has devoted his life to building and to leading the Nation's first public university to becoming what it is today – the Nation's finest public university, although we have a long way to go and we must keep working. I watched him lead our State for over 40 years. I was present; I was a student body official at North Carolina State University when he was inaugurated in William Neal Reynolds Coliseum. I wonder how many people in this audience today were there. Well Bill, you and Jordan – there were three of us there. I'm glad we got a young legislature. There are some back here, I'm sorry, I wasn't looking back this way. I've had the great joy, though I would say to you the constant challenge of working with him to build the University for 14 years of his presidency and the challenge and opportunity and joy of working with him for all the years that I was Governor and he was there. I believe, as I thought about it, what's really

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significant about his leadership to us? We saw all the things that happened and they're marvelous and they're extended. But I want to say to all of you today that I think there are three great things about Bill Friday's leadership that have been most important for our great Tar Heel State and they are things that I hope all of us would think about, all of you, who are the leaders today and the leaders of tomorrow, things that I would hope all of you would give leadership to. First of all, Bill Friday believes and wants us to devoutly believe that The University, on all of its campuses and in all of its programs, belongs to the people, the people, their children and grandchildren. By the way, I have my first grandchild going to The University this fall. That term has new meaning for me now. The people deserve excellence in their universities on all of our campuses and Bill Friday believes that the people deserve to be able to afford to go to their university. I know that this legislature has supported our University system so strongly. I would say to you as this economy comes back, and it is coming back now and the governor of Florida told me a week and a half ago that they're going to have revenue growth of over 10 percent in Florida this year. We aren't coming back quite that strongly, but we're coming back. As we do, I hope that this legislature can fund our University system in an even stronger way so that we can afford to have fewer tuition and fee increases beyond the cost of living. The second thing about Bill Friday that I think is so significant is his commitment and the work that he has done in seeing that the University system serves the public good, that it serves the public good. I've been asked all over the country and all over the world about the secret of the Research Triangle. I can't tell you the number of people who have come up to me and called me, 'How about the Research Triangle? How does it work? How can we have one? How can we have one?' I remember the first time I got that question. You've got to really tell them what is the secret of this thing and I went to Bill Friday to ask him what the secret of it was. And he said, 'The leaders of North Carolina who have built it and sustained it are not just thinking of their own private good, they are thinking of and committed to the public good.' His life has been, and still is, serving the public good. He has never amassed wealth, not even in retirement when he could have folks. But he has led us in creating great wealth and opportunity for North Carolinians. The third thing that I think is so significant is that Bill Friday has made great things happen because he has consulted with all the leaders and had his ear to the ground for the people's feelings. If you talk to Bill Friday, you don't need to take a poll. He knows what people are thinking, how they're feeling. He knows what the issues are. He's never been one for ivory towers. He led and listened to and directed all of us to join in the public university enterprise. He talked and listened to legislators. You all know in this room, I see those who served as chairs and the appropriations leaders and all the rest. You know how he's talked to you and to governors and to business leaders and to the press. On many occasions I have seen a leader take a position. I've seen a newspaper write an editorial and I've said to myself, 'I know where that idea came from – they've been talking to Bill Friday.' And it was good that they were because the ideas they came forward with and pushed ahead were the things that North Carolina needed to do. In fact, I've sometimes said we're all sort of like the orchestra that Bill Friday conducted and all of us had a role to play, like instruments in an orchestra. He knew when to bring us in. He was in charge of the score and thank goodness he did it. At the time that he stepped down as President of our University System, people all over this country said, and I heard it so many times, that there were three great higher education

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leaders of America. They were Father Hesburgh at Notre Dame, Clark Kerr at the University of California and Bill Friday at The University of North Carolina. And I have talked to those people in my time, and I can tell you that they all said that Bill Friday was their leader. I think an important measure of a man is seeing what he devotes himself to after his, you know, his official job is over with. What's Bill Friday been doing? Ending illiteracy, or at least leading us to reduce it; helping the poor; spurring rural development; and continuing to push for intercollegiate athletic reform. Bill Friday, we thank God for you and for Ida. We give you and Ida our richest and warmest blessings. And I would urge today that all of us commit our lives and leadership to that vision of Thomas Wolfe. I was in Asheville a week and a half ago and went back to the home of Thomas Wolfe after we rebuilt it following the fire. Thomas Wolfe said this in one of his most famous books. He said, 'To every man his chance - regardless of his birth, his shining, golden opportunity - to every man the right to live, to work, to be himself, to become whatever his manhood and his vision can combine to make him.' Folks, that's what The University and public education is about. That's what Bill Friday has been about all of his life. Aren't we fortunate that he came our way, that he led us in this great State? Bill Friday, thank you and Ida for all that you've done, and we wish God's richest blessings on both of you."

**Senator Hoyle:**

"Thank you, Madame President, colleagues of the House and Senate, and friends. It's indeed a pleasure and a great honor for me to speak to this resolution honoring a truly great North Carolinian. It's even more rewarding for me in the fact that Dr. Bill Friday and I grew up in the same, small, wonderful town of Dallas in Gaston County. We attended the same public schools and were taught by several of the same teachers. Dr. Bill came from a family of leaders though. His dad, Mr. D. L. Friday, who the resolution called him David, but those of us in Dallas who knew him called him Mr. D. L. or D. Lathan. He was a great man and a great leader in his own right. He was president of a large textile and machinery manufacturing company located in Gastonia. Mr. Friday served as Mayor of Dallas from 1937 to 1943. He was a member of the Gaston County School Board and was Chairman of the local Selective Service Commission, or the draft board, as it was known in the '50s and '60s. I think most of you my age were very familiar with that organization. I remember being in college and I had to fill out a form and write a letter to the draft board asking for deferment. Well I got the deferment, but I recall running into Mr. Friday one day at the post office and he called me over, and he said, 'David, let me tell you something, young man. You better make good grades and you better stay in college because if you don't, Fort Jackson is going to be your next mailing address.' So your dad was a great inspiration, Bill. Bill had three brothers and a sister. Brother Dave ran a successful family business, textile related, there in Gastonia. Of course, he is deceased now. Brother Rudolph, Rud, as we called him - his siblings called him Rolls Royce, had a successful law practice in Gastonia and he also is deceased. Then there was brother John, who was a loved and respected attorney and a Superior Court Judge for many years. He was truly one of my dear friends and one of my best supporters, and I remember him and think of him today and his wife, Lila is here with us as well. And finally, his sister Mary Elizabeth Betty Harris, a civic leader, a community activist, a person involved in everything, and, Betty, we're glad to have you here with us today. Most of you may not know that Bill Friday was a

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great athlete. Now the Governor almost gave me away and alluded to this a while ago. Let me tell you a little more about Bill's athletic prowess. He played basketball and baseball. Now, we didn't have football in Dallas at that time. Had we had football, Bill would have been a three-sport star instead of a two-sport star. But he particularly excelled in baseball and, routinely, little Dallas High School would beat most of the larger high schools in the area, and Bill played a big part in that success and the legend that surrounded that. He was also a star on several of the American Legion baseball teams as a catcher. There was a story told in Dallas one time – this is true I'm told – that Bill was at home visiting family and friends during that time when he was President of the University. He pulled into a local gas station, Sam's Service Station there on the corner of Holland and Trade, Bill, and a bunch of the old-timers were in there round the potbelly stove, minding everybody's business but their own, and one of them said, 'Well, my goodness, out there is Bill Friday.' One of the other guys said, 'Who?' He said, 'Dr. Bill Friday, you jerk, he's the President of The University of North Carolina.' The old man thought a little bit and said, 'Yeah, I remember Bill – he was a great catcher on the Dallas High School baseball team. You know, if old Bill had stuck with baseball, he might have really amounted to something when he grew up.' Bill, that's your hometown, folks. It's been no secret that Bill Friday supports public education. The fact that he and his siblings graduated from a small, rural public high school in a class of 40 or 50 or less and excelled in college, all of them, is an example that our public schools do produce successful people in all walks of life. Dallas High School has graduated doctors, lawyers, education leaders, scientists, as well as business leaders. And due to the growth in Dallas, and we've had a lot of growth since Bill left and in the last 20 years, a new junior high school was built a few years ago, and the Gaston County School Board chose to name this new facility, the first new school facility built in Dallas in many decades, they named the new facility William C. Friday Junior High in his honor at the dedication in 1971. Now as the resolution said, Dr. Friday is known nationwide in higher education circles. In the late 1970s and the early 1980s, I had the opportunity to get to know and had a business relationship with Dr. Otis Singletery. He was President of the University of Kentucky, who, I think, at one time worked with you, Dr. Bill, either at the University System or at Chapel Hill. And as we had an occasion to talk many times about higher education, Otis told me one day that if any governor in this country or any education leader in this country could choose one asset that the state of North Carolina had, they would choose and they would take our great university system. He said it was the envy and the model for the Nation. And Dr. Singletery told me that William Friday should get most of the credit for the success and vision of this great university system. And Otis said that this was not just his assessment of Bill Friday but was universally shared. When Bill retired from the University System in 1986, many people, myself included, encouraged him to run for governor. Sadly for North Carolina, he declined. Now Bill, it may not be too late. Now I think maybe Bev and Mike may want you to wait your turn, but you ought to give it some thought anyway. Bill, across North Carolina people know you and they know what you have meant and what you have continued to contribute to this great Tar Heel State. But the people of Dallas and of Gaston County, and some are here today, want you to know that you have put your small hometown on the map in the most honorable way. You have given true meaning to success, integrity, character, compassion and humility. You have admirably set the example for all of us by your actions and deeds and we thank you

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from the bottom of our hearts. We are so proud to call you one of North Carolina's finest and a true friend to us all. We all wish you and Ida God's speed and may God bless you and your family in the years to come. I wholeheartedly commend this resolution to my colleagues."

**Senator Kinnaird:**

"I am greatly honored to speak about our beloved and esteemed UNC President Emeritus, William Friday. Bill Friday shepherded our sixteen-campus University System which is working together as one unified system. Obstacles at the beginning and sometimes continuing throughout the years could have destroyed the body, but Bill Friday's steady, quietly effective leadership kept contentious issues from destabilizing this important endeavor. Because of that leadership, he has gained the respect of all. Bill Friday has earned not only the respect but the admiration of so many. He is not a person who speaks loudly or divisively but works evenhandedly to solve problems. His may look like a light touch but is really a persuasive touch that brings reason into deliberations and puts the best interests of the State's citizens as the goal, not personal gain or glory. We all knew that whatever came before Bill Friday was given careful, thoughtful consideration. Anytime Bill Friday was involved, he brought the authority of the reasons, deliberation, and a sure-handed guidance. Under President Friday's guidance, The University of North Carolina gained national prominence as one of the outstanding university systems in our country, from its flagship campuses to all of the constituent campuses, each with special programs and unique offerings for its students. Each campus was allowed to develop offerings according to its own vision and to carry out its missions for students and faculty. Campuses were encouraged to create institutes and colleges within the larger system to address issues ranging from international outreach to African-American studies. Campuses worked to enhance academic opportunities for the best and brightest, to those who struggled but who could achieve with encouragement. His bold and courageous leadership made us a stronger and greater people. No longer were individual institutions working against each other but with each other to provide the best education possible for every person who wished to have a college education. With President Friday's blessing, our graduate schools distinguish themselves by dreaming and obtaining greatness. His guidance was always present but never overbearing. President Friday does not seek out attention, publicity or praise. His is the calm, steady voice of inquiry. All who know his work trust they are in good hands. Perhaps President Friday's foremost accomplishment is one of his quietest. Bill Friday made sure that all racial and ethnic groups had the opportunity to participate and succeed in our University System. He demanded that nothing in the University System or any organization he worked with will have any less goal, without question. I came to Chapel Hill in 1964 and, to me, Bill and Ida Friday were the presence that was known to everyone I met. When the 16-campus system was created, everybody also knew that the one person who could make it work was Bill Friday. He has been noted not only as a presence in North Carolina but throughout the United States over the years. He has been sought out to lead many organizations that recognized that his steady presence could lead to results from all participants working together, and satisfying results were what Bill Friday brought to every task. Then Bill Friday introduced us to our friends, neighbors, and those who have made our State great through his TV programs. And this is the

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essence of Bill Friday – how people, each in his or her own unique way weave the thread of our own North Carolina fabric, and he never gets in the way. I will always remember him personally as walking to work every day from his residential home to his office and we saw him as a person who was one of us in our community. We also thank and praise Ida Friday who has been an influence to both President Friday and to organizations in her own right. She was a founder of the Women’s Center in Orange County at a time when no such organization was there to help women. The Women’s Center is an institution that has helped countless women and given voice to many who had no voice and was a model for other women’s centers. Ida Friday is a historic preservationist in a town that might have grown faster than the appreciation of its historic buildings that were to be lost forever without her dedication. The Bible tells us the humble shall be exalted and today we exalt that most humble of men who put service of others always before himself. We are indebted to Bill and Ida Friday for their legacy of service to all our people. They have earned the love and admiration of all North Carolinians and I commend the resolution to you.”

**Senator Horton:**

“Poor Dr. Friday’s been cringing through this whole thing. If there is anybody who really dislikes being showered with all sorts of encomiums and blessings, it’s him. He’s a modest person, self-effacing to a fault and so I know this has been sort of torture, but we are glad you are here: we are glad for what you’ve done to us. It is also good that he did decide not to go into professional baseball but stayed in Chapel Hill, ultimately. He was 36 when he was made President, mighty early for that sort of thing, and he remained until, gosh, 30 years I believe it was, helped a great deal by his lovely wife Ida. I think I’m probably the only person in this Chamber who took a college course with Ida Friday. It was John Allcut’s Art Appreciation. I needed that course – she did not. But it was great fun and a great school. I wouldn’t take anything for the opportunity of being there at the time that they were there. But his time at Chapel Hill was not the easiest. There was the scandal of point shaving in basketball. There was the Black Students Movement and the occupation of the Law School for a while. There was the Knight Commission, the restructuring of the NCAA – none of these easy things. But he was a man who could take it as it came, calmly, always with kindness and always with tolerance and always with a twinkle in his eye. More than any other person I can name, Bill Friday represents the best of our State. He is Mr. North Carolina. I move the adoption of the resolution.”

**Governor Jim Holshouser:**

“I won’t be long – a lot has been said already. We recognized two giants in North Carolina’s history today. I’ve always believed that God puts us on this earth to do as much as we can as long as we can, to make things better and I don’t know of two people who have done more with their lives, in that regard, than the two we honor today. The General Assembly does itself proud in its action today and a lot of us thank you. The President and I have traveled a lot of roads over 40 years and it’s always been refreshing, challenging, and sometimes fun. The Senator mentioned that he might have run for Governor. I can tell you he’s one of the best politicians I know. I’ll tell you a very quick story that you members of the legislature will appreciate. In my first session here, a few of us, slightly over a hundred in the House, introduced a

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resolution to encourage reinstatement of the Dixie Classic, which a lot of us really thought would be a good idea. Bill Friday didn't think it was a good idea, and when we recessed in June, almost six months later, it was still in committee. That tells you something about the man. I'm pleased to be here with you to join you in this celebration to thank our two honorees for a lifetime of service to North Carolina and to say that this is, indeed, a great day for our State. Thank you very much."

**Speaker Richard Morgan:**

"Thank you, Madame President. Bill, that University has done so many good things that you caused it to do for all of us. You know, Governor Holshouser just mentioned the word 'politician' a little while ago, and there's a political science professor there that said something about the definition of politics was the struggle for power of leadership and dominance and resolution of conflicting aims within human relationships. I just thought I'd impress you to tell you that I remembered that if it were, that I was on your show a few years back. I couldn't recollect it, but I did just then. I wanted to say to you and Ida that you are two special folks. In North Carolina, you are known throughout, you've traveled this great State and offered much to its people, and it's right that your show should be called 'North Carolina's People'. And we thank you for the many contributions you have made to the many North Carolinians and, on behalf of the members of the House, we are deeply in your debt. Thank you."

**Speaker Jim Black:**

"Thank you, Madame President. I'm honored to be here and participate in this ceremony today, Dr. Friday and Ida. Listening to the remarks about your boyhood days in Dallas and the many things that you accomplished in your lifetime, I was thinking you started your collegiate career at Wake Forest and then you went over to State. Did they catch you dancing over at Wake Forest? Generations for years to come will benefit from your leadership, Bill. You have made this University what it is. It's the greatest University in the country. We, as stewards of the University, have not done everything we need to do. We continue to try to improve the University, to invest our resources in it. I know that you are disappointed often in our shortcomings. You set a good example, a great example of fairness and equity from way back. We strive to follow your lead and to do the things that we should do for the University, and ultimately for the people of North Carolina, the children of North Carolina, to provide a free education as much as possible. We don't measure up to what your expectations are, but we will continue to try. And every time we hear your name, and certainly in this ceremony today, we are inspired again to reach back and give a little bit more effort to improving education in this state, which is really the lifeblood of our state. It's the answer to all of the problems that we have in our State. Thank you for your great leadership, and we will continue to try to improve on what you started many years ago. Thank you."

**Molly Broad, President of the University of North Carolina:**

"Governor Holshouser, President *Pro Tempore* Basnight, Speakers Morgan and Black, Lieutenant Governor Perdue, members of the Board of Governors who are here today, Chancellors, colleagues and friends of the University, on your behalf, I am pleased to have the opportunity to participate in this very unique and important

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special session of the legislature to honor the life and works of Bill and Ida Friday. It is a remarkable afternoon, the likes of which I do not believe could occur anywhere in this nation except in North Carolina. President Emeritus Bill Friday is one of the true giants in the history of the University and in the history of our State. Now long before I had the privilege of serving as President of the University, I was very well aware of Bill Friday's legendary reputation as an educator and as an academic administrator, and I must say to you that I remain honored and humbled to walk in the footsteps of this great icon of American Universities. As evidenced by these eloquent and heartfelt tributes that we have heard today, Bill and Ida Friday share a rare and enduring relationship with the people of North Carolina. Bill Friday's lifelong commitment to lend his time and his wisdom to help address North Carolina's educational and social problems is simply unmatched. Through his life and his ongoing works, he personifies the adage offered by William Butler Yeats that 'Education is not the filling of a pail, but the lighting of a fire.' Make no mistake, there is plenty of spark left in Bill Friday. I would also like to express my appreciation to the members of the House and the Senate for the establishment of the William Friday Institute for Higher Education Leadership in the University of North Carolina. The Friday name is synonymous with educational excellence and public service in this State, and I can think of no finer namesake or role model as this institute works to identify and to nurture within our own University ranks the next generation of leaders and administrators for the University. Thank you, Bill Friday, for all you have done and continue to do on behalf of the University and the entire State. You are one of North Carolina's greatest treasures. God bless you, Bill and Ida."

**Lieutenant Governor Perdue:**

"This morning when I was thinking about what we were going to do today and how special this couple is to North Carolina, I was thinking about some of my favorite Bible verses. And I would bet you all would have thought these two verses, too. For Bill's service to this State, a lifelong service, he kind of reminds me of Isaiah. Do you all remember that special verse in the Bible when Isaiah looks up and says, 'Whom shall I send?' and you hear the noise and heaven bell and he answered pretty simply, 'Here am I, Lord. Send me.' Wherever you've been called, you've served, Bill Friday, and we thank you for that. We thank you for that. Finally, as you've heard all these things said today, you are not liking this a bit, I know that. Lots of times when I just need simple friendship, I've talked to Bill about life and about things that have gone on, not just politics or the University or public projects. He's just a really good man and a good friend. I thought, perhaps, Bill, that your whole life could be summarized from Micah, which is actually my favorite verse in the Bible. When Micah says, 'He has showed you, O man, what is good, and what does the Lord require of you?' of any of you, seated here today, and of Bill and Ida Friday. All that He requires when that roll is called up yonder is that you acted justly and that you loved mercy and that you've walked humbly with your God. That verse is the epitome of this North Carolina couple. Bill, we thank you and welcome you to the Well of the Senate."

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**Dr. William "Bill" Friday:**

"Lieutenant Governor Perdue, Mr. President, Mr. Speakers Black and Morgan, members of the session, you're right Ham, it's been a long afternoon, but, David, at 84, it's a little late to get into a campaign. But I do want to know something. Can a President Emeritus file a supplemental budget request right now? Thank you for this occasion, for Frannie and Miranda, our granddaughter, and my sisters who are here. Our daughter Mary lives in Singapore, and thank you, Brandon, for remembering our Betsy. This is an overwhelming kind of experience for a person to have, and I am very grateful to you for your kindness to my family and to me. I have only two things I want to say. In all candor, friends, this event is a celebration of the lives and works of dozens of deeply treasured friends, many of whom are sitting right up here, and I want you to know that they're here because these good people have served this State and this University, our University, so faithfully and so well. While doing their daily work, they did so much more. They fought the good fight with the federal government for a decade to preserve the integrity of the University of North Carolina. Three times they reorganized and carefully guided the expansion of this institution. And the racial integration of the University moved forward with grace. They made the National Humanity Center and the Research Triangle what they are. These dear friends and colleagues, wonderful men and women, deserve what has been said here today, not me. These men sitting right here who were Chairmen of the Board during all of these experiences, my classmates, most of them, they and their fellow Trustees and the Board of Governors, under the leadership of President Spangler and President Broad, have carried the University into the prominence it enjoys around the world. And that is true. And I know I speak for President Broad and President Spangler in saying to each of you and to those who have preceded you in these Chambers and to the Governors you have heard here this afternoon, I say thank you. You have given, and you continue to give our entire educational system its power and its strength to serve the people. Yours is a remarkable effort over all of these years, and don't you forget it. So again I say thank you for all of us. As you've listened, and I've listened, and we've all lived and worked in our State, there is a defining quality that describes North Carolinians. It's their commitment to public service. We believe in giving back. Each of us does. We believe in giving back of our time and talent and service to this State and to our fellow citizens. And I deeply learned the value of the lessons I learned from these men and women to whom I refer, and to many of you sitting here. These are the people who quietly serve. They don't seek credit. Yet they know the fulfillment of reaching out beyond themselves to help someone else. They've seen the child's eye glisten with joy and with hope and they've felt the warmth in their hearts of holding the wrinkled and weary hand of a lonely senior citizen. These men and women, as Beverly just said, remember that to whom much is given, much more is expected, and they are doers and not just hearers of the Word alone. As we move forward in our State, please be mindful of the children living in poverty. They deserve a chance. And as you have done, stand by the schools and the community colleges and the universities, they need your strength. You know and I know that they are the essential underpinning to any future we are going to build. And remember, too, that there are many older citizens in our State now who are entitled to a constructive, useful, and productive life during their sunset years. Please remember them, too. I am very proud to be a North Carolinian because we are a people who really do care about the well being of others. And you and

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I, you in your capacity and mine as a citizen, hold for just a moment the personal trusts to teach the next generation all that there is that is noble about this State and its people, and I know that you will fulfill that trust. Now, may the Father of us all bless this State and each of us, and though we did it once before, out of profound respect each of us hold for North Carolina and all of its people, let's say again that historic toast: '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.' Thank you for making this such a wonderful memory. Thank you."

**Lieutenant Governor Perdue:**

"Now, Dr. Friday and Mrs. Friday, Bill and Ida, as you are so called by so many of us, on behalf of all the folks in this room and the eight million people who call North Carolina home, the members of the General Assembly and all of you esteemed chancellors, we thank you and appreciate your presence here. The President of the University, the community college folks, the cabinet, the Council of State that's sitting around the gallery, the members of the Board of Governors – we would like to all give you, in tandem, one of the most fabulous pieces that I've ever seen. Let me tell you about this piece. I don't want things very often, Bill, but I may try to barter you out of this someday. The keepsake box is very special for lots of reasons, three that I'll talk about. This box that is very heavy and quite lovely, beautiful wood, has been built by Bill Hamlet and Rand Esser. It's made of rare quality, very, very rare quality heart pine that's been perfectly preserved in the cool waters of the Cape Fear River for over 400 years, so we're giving you something quite special. In the early 1700s, North Carolina's woodsmen entered the virgin heart pine forest, and they actually felled some of the finest trees that ever existed on this land. The lumber was cut, it was rafted together, and they floated it downriver to the sawmills. And for whatever reason, nobody knows why, some of the large timber was saved. There were pieces that were just too dense to float down, and they were lost to the river bottom. We think maybe God did it. Today, the Cape Fear River Wood Corporation of Wilmington has figured out a scientific process whereby they can harvest these very special and historical, beautiful woods. The box is made from that wood, over 400 years old. There's a quote inscribed on the top of the box, quite simple and quite lovely and quite poignant for all of us in this room. It's taken from the speech that President John Fitzgerald Kennedy was to give in Dallas the day he was assassinated. You all recall that President Kennedy was very special to all the people of this great State, but he was especially special to the University of North Carolina at Chapel Hill because of his attendance and his address on University Day in 1961. The quote that's inscribed on your behalf, simple but so profound, reads, 'Leadership and learning are indispensable to each other.' We think that quote reflects the life of this man and this woman. And finally, this box is special for another reason, and some of you may not have had an opportunity to do this, but I would invite you to do it later. It's filled with notes and letters and poems and jokes and special words from colleagues and friends and family and admirers and real people, citizens, who don't even know anything other than the name of this man, expressing their love and their appreciation for all that you've done for the University of North Carolina system and this great State. And so, I would like to present this to you both on behalf of all these folks in this room, and I'm going to ask the Speakers to take it down and be joined by Senator Basnight and Senator Rand to hand this beautiful box to you. On behalf of all of us, we thank you. And please

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feel very comfortable in forwarding your letter to either the House or the Senate if you'd like to have something placed in the box. It will be precious for hundreds of years to come. And now, on behalf of all the members of the General Assembly, and those in the audience today, I'd like to present Bill and Ida with one more gift. This is something that will hang forever, I'm sure, in a special place on the campus in Chapel Hill and someday in your home. It's a copy of the joint resolution which was voted on here earlier today and then sent to the House. It's signed by every member of this esteemed body, and that in itself is historical. I'd like for Senator Basnight to join me as we present this to Bill and Ida."

The joint resolution passes its second reading (44-0) and third reading with members standing, and is ordered sent to the House of Representatives by special message.

Upon motion of Speaker Morgan, the Joint Session is dissolved at 4:39 P.M.

The Senate is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

#### **CALENDAR** *(continued)*

**H.B. 1136** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE WILLIAM FRIDAY INSTITUTE FOR LEADERSHIP DEVELOPMENT.

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.

Upon motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns subject to receipt of committee reports, reading of messages from the House of Representatives and executive orders, to meet tomorrow, Wednesday, June 23, at 2:00 P.M.

#### **REPORTS OF COMMITTEES**

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

By Senator Soles for the **Commerce Committee**:

**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, 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 70479, which changes the title to read **H.B. 429** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PAY

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MONETARY COMPENSATION FOR REMOVAL OF LAWFULLY ERECTED OFF-PREMISES OUTDOOR ADVERTISING SIGNS AND TO AUTHORIZE LOCAL GOVERNMENTS TO ENTER INTO RELOCATION AND RECONSTRUCTION AGREEMENTS WITH OWNERS OF NONCONFORMING OFF-PREMISES OUTDOOR ADVERTISING SIGNS, is adopted and engrossed.

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

**H.B. 1414** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE NEW JOBS BY RECRUITING NEW BUSINESSES, GROWING EXISTING BUSINESSES, AND ENCOURAGING ENTREPRENEURS, 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, 30559, which changes the title to read **H.B. 1414** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE, is adopted and engrossed.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

**H.B. 1555** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ADDITIONAL FEE TO BE PAID TO COMMISSION CONTRACT AGENTS FOR TRANSACTIONS RELATED TO MOTOR VEHICLE TITLES AND TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY CUSTOMER SERVICE PROVIDED BY THE DIVISION OF MOTOR VEHICLES AND THE COMMISSION CONTRACT AGENTS.

Referred to the **Finance Committee**.

#### EXECUTIVE ORDER

An Executive Order received is presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows (*See Appendix.*):

**Executive Order Number 59**, Proclamation of State of Disaster for the towns of Bolton, Lake Waccamaw, Chadbourn, Tabor City and Fair Bluff and the City of Whiteville.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:43 P.M.

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**ONE HUNDRED THIRTY-SECOND DAY**

Senate Chamber  
Wednesday, June 23, 2004

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

"Let us pray. Our Father, I am reminded of Proverbs 3:5 and 6, which says, 'Trust in the Lord with all thine heart. Lean not on thy own understanding, but in all thy ways trust in Him that he shall direct thy path.' As we come forth this afternoon to deliberate and to discuss a budget for the citizens of the State of North Carolina, we pray that thy spirit will direct us to do what's right, to be fair and honest to all.

"We thank you now for the opportunity of life. We thank you for a land of freedom, and as we approach the Independence Day of this country, we pray and give thanksgiving unto You for freedom. We pray for our President and our Governor, Governor Mike Easley, our Lieutenant Governor, Beverly Perdue, the leader of this Senate, Senator Marc Basnight. Bless all of the elected officials in this State, that we may come together and do what's right for the people.

"We pray now for our boys and girls, our men and women in Iraq. We pray for their safety; we pray for their return. And may peace abide in the entire world. In thy name we pray, Amen."

The Chair grants leaves of absence for today to Senator Jenkins, Senator Reeves and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, June 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. Paul D. Mehlhop from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Karen Lucisano from Charlotte, North Carolina, who is serving the Senate as Nurse of the Day.*

**CHAPTERED BILL**

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

**H.B. 1640**, AN ACT TO AUTHORIZE THE DARE COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER LOCAL GOVERNMENTAL EMPLOYEES. (Became law upon ratification, June 22, 2004 - S.L. 2004-16.)

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**PRIVILEGES OF THE FLOOR**

Upon motion of Senator Rand, the rules are suspended and privileges of the floor are granted to Army Specialist Ryan Willoughby and his father, Matt Willoughby. Ryan is a combat medic with the First Calvary Division based in Ft. Hood, Texas and has been serving in Iraq for the last eight months and will return to Baghdad in September.

**CALENDAR**

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

**S.B. 1060**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 30, upon third reading.

**S.B. 1181**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE ALLEGHANY OCCUPANCY TAX.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 30, upon second reading.

**H.B. 1414** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **Pensions & Retirement and Aging Committee**.

The Senate recesses at 2:24 P.M. for the purpose of a Pensions & Retirement and Aging Committee meeting to reconvene at 2:34 P.M.

**RECESS**

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

**REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Garrou for the **Pensions & Retirement and Aging Committee**:

**H.B. 1414** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE, with a favorable report, as amended.

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

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Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill No. 2 is placed on today's Calendar.

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

**H.B. 1364**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT TRANSYLVANIA COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE FOR USE AS CORRECTIONAL FACILITIES, with a favorable report.

**H.B. 1425** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE BROUGHTON POLICE DEPARTMENT TO ENTER INTO MUTUAL AID AGREEMENTS WITH THE CITY OF MORGANTON POLICE DEPARTMENT AND THE BURKE COUNTY SHERIFF'S OFFICE, AND TO ALLOW THE BROUGHTON POLICE DEPARTMENT TO EXERCISE ITS POWERS AT WESTERN PIEDMONT COMMUNITY COLLEGE, with a favorable report.

**H.B. 1619** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELIZABETHTOWN, with a favorable report.

**H.B. 1670** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR THE CITY OF NEWTON AND CATAWBA COUNTY AS TO A PARK, with a favorable report.

**S.B. 1122** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR EIGHTEEN 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, with a favorable report as to concurrence.

#### **CALENDAR** *(continued)*

**H.B. 1303** (Conference Report), A BILL TO BE ENTITLED AN ACT TO REDUCE PRIVILEGE AND EXCISE TAXES.

Upon motion of Senator Rand, the Conference Report is withdrawn from today's Calendar and is re-referred to the **Conference Committee**.

#### **CONFERENCE REPORT**

Senator Rand for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **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, submits for adoption the following Conference Report No. 2:

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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 1303, A BILL TO BE ENTITLED AN ACT TO EXEMPT ATHLETIC CONTESTS SPONSORED BY INCOME TAX EXEMPT PERSONS FROM THE AMUSEMENTS PRIVILEGE TAX, Committee Substitute Favorable 6/23/03, submit the following report:

The Senate recedes from amendment #1 and amendment #2.

The House and Senate agree to the following amendment to the Committee Substitute Favorable 6/23/03:

Delete the entire House Committee Substitute and substitute the attached Proposed Conference Committee Substitute PCCS H1303-CCSLA-1 [v.2].

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

Date Conferees approved report: June 23, 2004.

*Conferees for the Senate*

S/Tony Rand, Chair  
S/David W. Hoyle  
S/Tom Apodaca

*Conferees for the House of Representatives*

S/Daniel F. McComas, Chair  
S/Harold J. Brubaker  
S/Pryor A. Gibson, III  
S/James A. Harrell, III  
S/Paul Luebke  
S/David M. Miner  
S/Edgar V. Starnes  
S/Thomas E. Wright

The text of the attached Proposed Conference Committee Substitute, PCCS H1303-PCCS80467, which changes the title, is as follows:

A BILL TO BE ENTITLED  
AN ACT TO REDUCE PRIVILEGE AND EXCISE TAXES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 105-40 is amended by adding two new subdivisions to read:

"(6a) A youth athletic contest with an admissions price that does not exceed ten dollars (\$10.00) sponsored by a person exempt from income tax under Article 4 of this Chapter. For the purpose of this subdivision, a youth athletic contest means a contest in which each participating athlete is less than 20 years of age.

...  
(7a) All exhibitions, performances, and entertainments promoted and managed by a nonprofit arts organization that is exempt from income tax under G.S. 105-130.11(a)(3). This exemption does not apply to athletic events."

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**SECTION 2.(a)** G.S. 105-113.21 reads as rewritten:

**"§ 105-113.21. ~~Refund.~~Discount; refund.**

(a) Discount. – A distributor who files a timely report under G.S. 105-113.18 and who sends a timely payment may deduct from the amount due with the report a discount of two percent (2%). This discount covers expenses incurred in preparing the records and reports required by this Part, and the expense of furnishing a bond.

(b) Refund. – A distributor in possession of packages of stale or otherwise unsalable cigarettes upon which the tax has been paid may return the cigarettes to the manufacturer and apply to the Secretary for refund of the tax. The application shall be in the form prescribed by the Secretary and shall be accompanied by an affidavit from the manufacturer stating the number of cigarettes returned to the manufacturer by the applicant. The Secretary shall refund the tax ~~paid~~ paid, less the discount allowed, on the unsalable cigarettes."

**SECTION 2.(b)** G.S. 105-113.35(c) reads as rewritten:

(c) Secondary Liability. – A retail dealer who acquires non-tax-paid tobacco products subject to the tax imposed by this section from a wholesale dealer is liable for any tax due on the tobacco products. A retail dealer who is liable for tax under this subsection may not deduct a discount from the amount of tax due when reporting the tax."

**SECTION 2.(c)** G.S. 105-113.39 is reenacted and reads as rewritten:

**"§ 105-113.39. Discount.**

A wholesale dealer or a retail dealer who is primarily liable under G.S. 105-113.35(b) for the excise taxes imposed by this Part, who files a timely report under G.S. 105-113.37, and who sends a timely payment may deduct from the amount due with the report a discount of ~~four percent (4%)~~ two percent (2%). This discount covers losses due to damage to tobacco products, expenses incurred in preparing the records and reports required by this Part, and the expense of furnishing a bond."

**SECTION 2.(d)** G.S. 105-113.85 is reenacted and reads as rewritten:

**"§ 105-113.85. Discount.**

Each wholesaler or importer who files a timely return and sends a timely payment may deduct from the amount payable a discount of ~~four percent (4%)~~ two percent (2%). This discount covers losses due to spoilage and breakage, expenses incurred in preparing the records and reports required by this Article, and the expense of furnishing a bond."

**SECTION 3.** Section 1 of this act becomes effective July 1, 2004.

Section 2 of this act is effective for reporting periods beginning on or after August 1, 2004. Section 3 of this act is effective when it becomes law.

The Conference Report No. 2 is placed on the Calendar for tomorrow, Thursday, June 24, for adoption.

## REPORTS OF COMMITTEES

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

June 23, 2004



By Senator Soles for the **Commerce Committee**:

**H.B. 1463**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS 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 50430, is adopted and engrossed.

**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, 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 60513, which changes the title to read **H.B. 1152** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY DISCLOSURE OF MOTOR VEHICLE TOTAL LOSS CLAIMS, is adopted and engrossed.

#### CALENDAR *(continued)*

**H.B. 1414** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE, placed earlier on today's Calendar with Committee Amendment No. 1. Upon motion of Senator Rand, the Senate Committee Substitute No. 2, as amended by the **Pensions, Retirement and Aging Committee**, is taken up out of its regular order of business.

Senator Shubert offers Amendment No. 1.

Senator Rand offers a motion that Amendment No.1 lie upon the table, seconded by Senator Dalton, which motion prevails (24-22).

Senator Pittenger offers Amendment No. 2. Senator Hoyle requests a fiscal note for Amendment No. 2. The President rules that the amendment cannot be considered until a fiscal note is prepared.

Senator Foxx offers Amendment No. 3.

Senator Rand calls the previous question on Amendment No. 3, seconded by Senator Dalton, which motion prevails (42-5).

Amendment No. 3 is adopted (47-0).

Senator Shubert offers Amendment No. 4.

Senator Rand offers a motion that Amendment No. 4 lie upon the table, seconded by Senator Dalton, which motion prevails (25-22).

Senator Horton offers Amendment No. 5.

Senator Rand calls the previous question on Amendment No. 5, seconded by Senator Dalton, which motion prevails (27-20).

June 23, 2004

Amendment No. 5 fails of adoption (22-25).

Senator Shubert offers Amendment No. 6.

Senator Rand offers Amendment No. 7 as a substitute amendment for Amendment No. 6.

Amendment No. 7, substitute to Amendment No. 6, is adopted (24-23).

Senator Berger offers Amendment No. 8.

Senator Rand calls the previous question on Amendment No. 8 through passage of the bill, seconded by Senator Dalton, which motion prevails (24-23).

Amendment No. 8 is adopted (47-0).

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

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

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

The Senate Committee Substitute bill No. 2, as amended, passes its second reading (24-19).

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, June 24.

Upon motion of Senator Basnight, seconded by Senator Hoyle, the Senate adjourns with bills remaining on the Calendar, subject to introduction of bills and reading of messages from the House of Representatives, to meet tomorrow, Thursday, June 24, at 10:00 A.M.

#### 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 Dorsett; Dannelly, Queen, Rand, Malone, Albertson, Hargett, Hoyle, Holloman, Sloan, Moore, Soles, Lucas, Clodfelter, Purcell, Garrou, Reeves, Shaw, Basnight and Hunt:

**S.J.R. 1441**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF RAY CHARLES, AN AMERICAN LEGEND.

Referred to the **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:

**S.B. 1161** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY BASES TO GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY BASES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 24, for concurrence in the House Committee Substitute bill.

June 23, 2004

**MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following message is received from the House of Representatives:

**S.J.R. 1438** (House Committee Substitute), A JOINT RESOLUTION COMMEMORATING THE LIFE AND ACCOMPLISHMENTS OF RONALD WILSON REAGAN, 40TH PRESIDENT OF THE UNITED STATES OF AMERICA, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 24, for concurrence in the House Committee Substitute bill.

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

House of Representatives  
June 23, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 1303** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE PRIVILEGE AND EXCISE TAXES.

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

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**H.B. 1613** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW IN CHOWAN COUNTY REGULATING HUNTING ON PRIVATE LAND, TO REGULATE THE DISCHARGE OF A CENTER-FIRE RIFLE IN CHOWAN COUNTY, AND TO ADD CHOWAN AND ANSON COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS.

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

**H.B. 1659**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING THE USE OF HUNTING STANDS IN PERQUIMANS COUNTY.

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

June 23, 2004

**H.B. 1662** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN CHEROKEE AND CLAY COUNTIES.

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

**H.B. 1684**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN VANCE COUNTY.

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

**H.B. 1724** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT AND PITT COUNTIES.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:14 P.M.

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### ONE HUNDRED THIRTY-THIRD DAY

Senate Chamber  
Thursday, June 24, 2004

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, let us begin this Thursday morning reminded that every person in this Senate Chamber is blessed beyond our expectations or even deservedness. The greatest hope that we might offer to those for whom life has not been so rewarding is a willingness to listen and respond.

"The great preacher Harry Emerson Fosdick once said, 'The hope of the world is always in its margins, its exiles, its disenfranchised, and the supreme lesson of life for us is to learn what the centuries have to say about the hours in which we live.'

"So today, help us to be good listeners and a source of hope and blessing to those whom we encounter. In Your holy name we pray, Amen."

The Chair grants leaves of absence for today to Senator Hartsell, Senator Jenkins, Senator Reeves and Senator Weinstein.

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

June 24, 2004

*The President of the Senate extends courtesies of the floor to Dr. Michael S. Lancaster 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.*

### ENROLLED BILLS

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

**S.B. 1219**, AN ACT TO INCREASE THE PERCENTAGE OF REVENUE CREDITED TO THE DRY-CLEANING SOLVENT CLEANUP FUND THAT MAY BE USED TO PAY COSTS OF ASSESSMENT OR REMEDIATION OF DRY-CLEANING SOLVENT CONTAMINATION THAT OCCURRED PRIOR TO 1 JULY 2001, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

**S.B. 1159**, AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS.

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. 1133**, AN ACT AMENDING THE CHARTER OF THE VILLAGE OF MISENHEIMER TO ALLOW FOR MUNICIPAL ELECTIONS IN ODD-NUMBERED YEARS.

**S.B. 1125**, AN ACT TO ABOLISH THE OFFICE OF CORONER IN JOHNSTON COUNTY.

**S.B. 1096**, AN ACT TO ADJUST THE BOUNDARIES BETWEEN THE CITIES OF CONCORD AND KANNAPOLIS AS MUTUALLY AGREED UPON.

**H.B. 1608**, AN ACT TO AMEND THE GREENSBORO CITY CHARTER SO THE CITY CAN FOLLOW THE GENERAL LAW ON NOTICE OF ADOPTION OF ORDINANCES.

**S.J.R. 1440**, A JOINT RESOLUTION HONORING WILLIAM "BILL" FRIDAY, PRESIDENT EMERITUS OF THE UNIVERSITY OF NORTH CAROLINA AND THE MEMORY OF WILLIAM R. DAVIE, CHIEF FOUNDER OF THE UNIVERSITY OF NORTH CAROLINA. (Res. 2004-6)

The Senate recesses at 10:17 A.M. to reconvene at 10:30 A.M.

### RECESS

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

June 24, 2004

**CALENDAR**

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

**H.B. 1463** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, June 28.

**REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

**S.B. 1265**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT ALL CAMPUS RESIDENCES IN ORANGE COUNTY FOR EACH UNIVERSITY OF NORTH CAROLINA SYSTEM CAMPUS BE IN ONE PRECINCT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55304, which changes the title to read **S.B. 1265** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN ORANGE AND CHATHAM COUNTIES TO MEMORIALIZE A 1989 AGREEMENT BETWEEN THOSE TWO COUNTIES WHICH WAS ALREADY REFLECTED IN THE 2000 CENSUS, is adopted and engrossed.

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

**S.B. 1327**, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND STRENGTHEN THE REPORTING REQUIREMENTS OF NON-STATE ENTITIES RECEIVING STATE FUNDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65463, is adopted and engrossed.

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

**H.B. 1420**, A BILL TO BE ENTITLED AN ACT TO EXTEND TO LOCAL GOVERNMENTS ACTING JOINTLY THE SAME SETOFF DEBT COLLECTION PROCEDURES CURRENTLY ALLOWED TO LOCAL GOVERNMENTS ACTING ALONE, with a favorable report.

**H.B. 1475**, A BILL TO BE ENTITLED AN ACT TO ANNEX THE ALBEMARLE CORRECTIONAL INSTITUTION TO THE TOWN OF BADIN, with a favorable report.

June 24, 2004

**H.B. 1555** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ADDITIONAL FEE TO BE PAID TO COMMISSION CONTRACT AGENTS FOR TRANSACTIONS RELATED TO MOTOR VEHICLE TITLES AND TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY CUSTOMER SERVICE PROVIDED BY THE DIVISION OF MOTOR VEHICLES AND THE COMMISSION CONTRACT AGENTS, with a favorable report.

**H.B. 1593**, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE TOWN OF SWANSBORO, with a favorable report.

**H.B. 1678**, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NORWOOD, with a favorable report.

**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, with a favorable report, as amended.

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

**H.B. 1369**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE WESTERN BOUNDARY OF THE TOWN OF EMERALD ISLE EXTENDS TO THE BOGUE INLET CHANNEL AS IT FLUCTUATES OVER TIME TO ALLOW ALL UPLAND AREAS CONNECTED TO BOGUE BANKS ON THE WESTERN END OF THE ISLAND TO BE IN THE TOWN LIMITS, 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 60515, which changes the title to read **H.B. 1369** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE WESTERN BOUNDARY OF THE TOWN OF EMERALD ISLE EXTENDS TO THE BOGUE INLET CHANNEL AS IT FLUCTUATES OVER TIME TO ALLOW ALL UPLAND AREAS CONNECTED TO BOGUE BANKS ON THE WESTERN END OF THE ISLAND TO BE IN THE TOWN LIMITS AND TO ANNEX CERTAIN DESCRIBED TERRITORY INTO THE TOWN OF MIDLAND, is adopted and engrossed.

**H.B. 1385** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS BY THE CITY OF WASHINGTON AND THE TOWNS OF CRESWELL AND WALLACE, 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 30564, which changes the title to read **H.B. 1385** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR VARIOUS MUNICIPALITIES, is adopted and engrossed.

June 24, 2004

**CALENDAR** (*continued*)

**H.B. 1471**, A BILL TO BE ENTITLED AN ACT TO DEANNEX TWO DESCRIBED PARCELS FROM THE CORPORATE LIMITS OF THE TOWN OF BAKERSVILLE, 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, Hagan, Hargett, Holloman, Horton, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and White—46.

Voting in the negative: None.

The bill is ordered enrolled.

**H.B. 1553**, A BILL TO BE ENTITLED AN ACT TO RATIFY THE BOUNDARIES OF THE TOWN OF GRIMESLAND BASED ON A NEW SURVEY ALONG THE EXISTING COMMONLY RECOGNIZED BOUNDARY, 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, Hagan, Hargett, Holloman, Horton, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and White—46.

Voting in the negative: None.

The bill is ordered enrolled.

**H.B. 224** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF KANNAPOLIS, TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF MOUNT PLEASANT, AND TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF MIDLAND, upon second reading.

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

The Senate Committee Substitute bill, as amended, 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, Hagan, Hargett, Holloman, Horton, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and White—46.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed after second reading and remains on the Calendar for Monday, June 28, upon third reading.

June 24, 2004



**H.B. 429** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PAY MONETARY COMPENSATION FOR REMOVAL OF LAWFULLY ERECTED OFF-PREMISES OUTDOOR ADVERTISING SIGNS AND TO AUTHORIZE LOCAL GOVERNMENTS TO ENTER INTO RELOCATION AND RECONSTRUCTION AGREEMENTS WITH OWNERS OF NONCONFORMING OFF-PREMISES OUTDOOR ADVERTISING SIGNS.

Senator Hagan offers Amendment No. 1, which fails of adoption (15-31).

Senator Dalton calls the previous question on the passage of the bill, seconded by Senator Webster, which prevails (34-11).

Amendment No. 1 fails of adoption (15-31).

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

The Senate Committee Substitute bill passes its second (34-11) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

**H.B. 1455**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND RECOMMEND A FUNDING FORMULA FOR ALTERNATIVE LEARNING PROGRAMS AND ALTERNATIVE SCHOOLS.

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

**H.B. 1456** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE A SPECIFIED PERCENTAGE OF AT-RISK FUNDS FOR SERVICES TO STUDENTS WHO ARE SUSPENDED FROM SCHOOL FOR MORE THAN TEN DAYS.

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

#### **REPORTS OF COMMITTEES**

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

By Senator Soles for the **Commerce Committee**:

**S.B. 1043**, 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.

June 24, 2004

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65464, which changes the title to read **S.B. 1043** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING CERTAIN MATERIALS AND TO PROVIDE THAT A LAW ENFORCEMENT OFFICER CANNOT ISSUE A CITATION TO A PERSON FOR FAILING TO HAVE IN HIS POSSESSION A SPECIAL PERMIT FOR VEHICLES OF EXCESSIVE SIZE AND WEIGHT IF THE OFFICER DETERMINES THAT THE PERSON HAS BEEN ISSUED A PERMIT AND THE PERSON SUBMITS THE PERMIT WITHIN THIRTY DAYS OF THE VIOLATION, is adopted and engrossed.

**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, 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 70481, which changes the title to read **H.B. 964** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING FURNITURE REQUIREMENT CONTRACTS FOR STATE AGENCIES, is adopted and engrossed.

#### CALENDAR *(continued)*

**H.B. 817** (Senate Committee Substitute), 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 AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIONAL RIFLE ASSOCIATION SPECIAL REGISTRATION PLATE.

The Senate Committee Substitute bill passes its third reading (43-3) and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

**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 Rand, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, June 28.

**S.B. 51** (Conference Report), 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 ASSETS NOT INDIRECTLY OWNED BY CORPORATIONS.

June 24, 2004

Upon motion of Senator Clodfelter, the Conference Report is adopted on 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, Hagan, Hargett, Holloman, Horton, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and White—46.

Voting in the negative: None.

Pursuant to the House of Representatives having adopted the Conference Report for **S.B. 51**, the President orders the bill enrolled and sent to the Governor. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

**H.B. 1364**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT TRANSYLVANIA COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE FOR USE AS CORRECTIONAL FACILITIES.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 1425** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE BROUGHTON POLICE DEPARTMENT TO ENTER INTO MUTUAL AID AGREEMENTS WITH THE CITY OF MORGANTON POLICE DEPARTMENT AND THE BURKE COUNTY SHERIFF'S OFFICE, AND TO ALLOW THE BROUGHTON POLICE DEPARTMENT TO EXERCISE ITS POWERS AT WESTERN PIEDMONT COMMUNITY COLLEGE.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

**H.B. 1619** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELIZABETHTOWN.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

**H.B. 1670** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR THE CITY OF NEWTON AND CATAWBA COUNTY AS TO A PARK.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

**S.B. 1122** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR EIGHTEEN 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 (46-0) and the measure is ordered enrolled.

June 24, 2004

**H.B. 1152** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY DISCLOSURE OF MOTOR VEHICLE TOTAL LOSS CLAIMS.

Upon motion of Senator Soles, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, June 28.

#### NOTICE OF DISCHARGE PETITION

Senator Horton is recognized and pursuant to Rule 47(b), gives notice of his intention to circulate a petition for signatures requesting that the **Judiciary I Committee** be discharged from further consideration of **S.B. 1057**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT MARRIAGE IS THE UNION OF ONE MAN AND ONE WOMAN AT ONE TIME, AND THIS IS THE ONLY MARRIAGE THAT IS RECOGNIZED AS VALID IN THIS STATE.

#### CALENDAR *(continued)*

**H.B. 1414** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE, as amended on second reading.

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

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

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

The Senate Committee Substitute bill No. 2, as amended, passes its third reading (24-19) and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill No. 2.

#### WITHDRAWAL FROM COMMITTEE

**S.J.R. 1408**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GENERAL GRIFFITH RUTHERFORD ON THE 225TH ANNIVERSARY OF RUTHERFORD COUNTY, referred to the **Rules and Operations of the Senate Committee** on May 28, 2004.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Tuesday, June 29, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Tuesday, June 29.

#### CALENDAR *(continued)*

**S.B. 1161** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY BASES TO GIVE

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NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY BASES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hargett, the Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled and sent to the Governor.

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

#### WITHDRAWAL FROM COMMITTEE

**S.J.R. 1441**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF RAY CHARLES, AN AMERICAN LEGEND, referred to the **Rules and Operations of the Senate Committee** on June 23, 2004.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Tuesday, June 29, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Tuesday, June 29.

#### CALENDAR *(continued)*

**S.J.R. 1438** (House Committee Substitute), A JOINT RESOLUTION COMMEMORATING THE LIFE AND ACCOMPLISHMENTS OF RONALD WILSON REAGAN, 40TH PRESIDENT OF THE UNITED STATES OF AMERICA, for concurrence in the House Committee Substitute joint resolution.

Upon motion of Senator Horton, the Senate concurs in the House Committee Substitute joint resolution (46-0) and the measure is ordered enrolled.

**H.B. 1303** (Conference Report No. 2), A BILL TO BE ENTITLED AN ACT TO REDUCE PRIVILEGE AND EXCISE TAXES.

Upon motion of Senator Rand, Conference Report No. 2 is adopted (46-0). A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Basnight, seconded by Senator Dalton, the Senate adjourns at 12:31 P.M. subject to receipt of messages from the House of Representatives, receipt of committee reports, ratification of bills and appointment of conferees, to meet Monday, June 28, at 7:00 P.M.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**S.B. 582** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE PUBLIC HEALTH PREPAREDNESS AND RESPONSE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, June 28.

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**H.J.R. 1558**, A JOINT RESOLUTION RECOGNIZING THE IMPORTANCE OF MILITARY BASES LOCATED IN THIS STATE TO ALL NORTH CAROLINIANS AND EXPRESSING THE GENERAL ASSEMBLY'S INTENT TO SUPPORT PROGRAMS AND STRATEGIES THAT PREVENT ENCROACHMENT UPON MILITARY INSTALLATIONS, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MILITARY AFFAIRS.

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

**H.B. 1671**, A BILL TO BE ENTITLED AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY.

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

### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

House of Representatives  
June 24, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute No. 2 for **H.B. 1414**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE, and requests conferees.

Speaker Morgan has appointed:

Representative Baker, Chair	Representative Culpepper
Representative Clary, Chair	Representative Cunningham
Representative Crawford, Chair	Representative Daugtridge
Representative Earle, Chair	Representative Farmer-Butterfield
Representative Grady, Chair	Representative Fox
Representative Owens, Chair	Representative Gillespie
Representative Sherrill, Chair	Representative Gorman
Representative Wright, Chair	Representative Hackney
Representative Alexander	Representative Haire
Representative G. Allen	Representative Hilton
Representative Barnhart	Representative Howard
Representative Brubaker	Representative Hunter
Representative Cole	Representative Insko
Representative Jeffus	Representative Nye

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Representative L. Johnson	Representative Parmon
Representative Justice	Representative Preston
Representative Justus	Representative Sauls
Representative Kiser	Representative Stiller
Representative LaRoque	Representative Tolson
Representative Luebke	Representative Wainwright
Representative McComas	Representative Weiss
Representative McGee	Representative West
Representative McLawhorn	Representative K. Williams
Representative Miner	Representative Yongue

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

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

#### APPOINTMENT OF CONFERENCE COMMITTEE

**H.B. 1414** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE.

Pursuant to the message from the House of Representatives received earlier today that the House fails to concur in the Senate Committee Substitute bill No. 2 for **H.B. 1414** and requests conferees, the President *Pro Tempore* appoints Senator Garrou, Co-Chair; Senator Hagan, Co-Chair; and Senator Dalton, Co-Chair; Senator Albertson; Senator Clodfelter; Senator Dannelly; Senator Dorsett; Senator Hartsell; Senator Holloman; Senator Hoyle; Senator Jenkins; Senator Kerr; Senator Lucas; Senator Malone; 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.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:20 P.M.

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#### ONE HUNDRED THIRTY-FOURTH DAY

Senate Chamber  
Monday, June 28, 2004

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

June 28, 2004

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

"Dear Lord, at one time or another, all of us have said, 'I'm no saint!' Maybe we make that kind of statement because we are determined not to appear better than we are.

"Another more likely reason is that we are afraid of virtue because the price of virtue is reflection and choice and discipline, and that cost seems too high.

"Next time we have the option to choose between saying, 'I'm no saint' or practicing sainthood - help us to choose to do good rather than take pleasure in being honest about our shortcomings. Amen."

The Chair grants leaves of absence for tonight to Senator Hoyle, Senator Nesbitt, Senator Reeves, Senator Weinstein and Senator White.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, June 24, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The President of the Senate extends courtesies of the floor to Dr. Warner L. Hall, Jr. from Raleigh, 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.*

#### ENROLLED BILLS

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

**S.B. 51**, 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 ASSETS NOT INDIRECTLY OWNED BY CORPORATIONS.

**S.B. 1161**, AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY BASES TO GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY BASES.

**H.B. 257**, AN ACT TO PROHIBIT THE USE OF CITIZENS BAND RADIO EQUIPMENT NOT AUTHORIZED BY THE FEDERAL COMMUNICATIONS COMMISSION.

**H.B. 1455**, AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND RECOMMEND A FUNDING FORMULA FOR ALTERNATIVE LEARNING PROGRAMS AND ALTERNATIVE SCHOOLS.

**H.B. 1456**, AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT

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THE STATE BOARD OF EDUCATION TO DETERMINE A SPECIFIED PERCENTAGE OF AT-RISK FUNDS FOR SERVICES TO STUDENTS WHO ARE SUSPENDED FROM SCHOOL FOR MORE THAN TEN DAYS.

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. 1122**, AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR EIGHTEEN 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.B. 1364**, AN ACT TO PROVIDE THAT TRANSYLVANIA COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE FOR USE AS CORRECTIONAL FACILITIES.

**H.B. 1425**, AN ACT TO ALLOW THE BROUGHTON POLICE DEPARTMENT TO ENTER INTO MUTUAL AID AGREEMENTS WITH THE CITY OF MORGANTON POLICE DEPARTMENT AND THE BURKE COUNTY SHERIFF'S OFFICE, AND TO ALLOW THE BROUGHTON POLICE DEPARTMENT TO EXERCISE ITS POWERS AT WESTERN PIEDMONT COMMUNITY COLLEGE.

**H.B. 1447**, AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITIES OF GREENVILLE AND HENDERSON AND THE TOWN OF WAYNESVILLE.

**H.B. 1471**, AN ACT TO DEANNEX TWO DESCRIBED PARCELS FROM THE CORPORATE LIMITS OF THE TOWN OF BAKERSVILLE.

**H.B. 1553**, AN ACT TO RATIFY THE BOUNDARIES OF THE TOWN OF GRIMESLAND BASED ON A NEW SURVEY ALONG THE EXISTING COMMONLY RECOGNIZED BOUNDARY.

**H.B. 1569**, AN ACT REPEALING THE AUTHORITY OF COLUMBUS COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES.

**H.B. 1619**, AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELIZABETHTOWN.

**H.B. 1670**, AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR THE CITY OF NEWTON AND CATAWBA COUNTY AS TO A PARK.

**S.J.R. 1438**, A JOINT RESOLUTION COMMEMORATING THE LIFE AND ACCOMPLISHMENTS OF RONALD WILSON REAGAN, 40TH PRESIDENT OF THE UNITED STATES OF AMERICA. (Res. 2004-7)

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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. 1096**, AN ACT TO ADJUST THE BOUNDARIES BETWEEN THE CITIES OF CONCORD AND KANNAPOLIS AS MUTUALLY AGREED UPON. (Became law upon ratification, June 24, 2004 - S.L. 2004-17.)

**S.B. 1125**, AN ACT TO ABOLISH THE OFFICE OF CORONER IN JOHNSTON COUNTY. (Became law upon ratification, June 24, 2004 - S.L. 2004-18.)

**S.B. 1133**, AN ACT AMENDING THE CHARTER OF THE VILLAGE OF MISENHEIMER TO ALLOW FOR MUNICIPAL ELECTIONS IN ODD-NUMBERED YEARS. (Became law upon ratification, June 24, 2004 - S.L. 2004-19.)

**H.B. 1608**, AN ACT TO AMEND THE GREENSBORO CITY CHARTER SO THE CITY CAN FOLLOW THE GENERAL LAW ON NOTICE OF ADOPTION OF ORDINANCES. (Became law upon ratification, June 24, 2004 - S.L. 2004-20.)

**H.B. 1497**, AN ACT TO ADOPT A FLAT COLLECTION ASSISTANCE FEE UNDER THE SETOFF DEBT COLLECTION ACT. (Became law upon approval of the Governor, June 25, 2004 - S.L. 2004-21.)

**H.B. 1448**, AN ACT TO REQUIRE THAT SELLERS BE PROVIDED WITH NOTICE AND A SIXTY-DAY PERIOD TO RESPOND TO A REQUEST FOR A REFUND OF OVER-COLLECTED SALES OR USE TAXES BEFORE A PURCHASER MAY BRING A CAUSE OF ACTION AGAINST THE SELLER. (Became law upon approval of the Governor, June 25, 2004 - S.L. 2004-22.)

**H.B. 1366**, AN ACT TO PROVIDE THAT AN ORDER ISSUED BY THE CLERK OF COURT, THE MAGISTRATE, OR THE COURT FOR CUSTODY RELATING TO INVOLUNTARY COMMITMENT IS VALID THROUGHOUT THE STATE. (Became law upon approval of the Governor, June 25, 2004 - S.L. 2004-23.)

**H.B. 1574**, AN ACT TO AUTHORIZE THE ADDITION OF THE LOWER HAW RIVER STATE NATURAL AREA TO THE STATE PARKS SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, AND TO DIRECT THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE FEASIBILITY AND DESIRABILITY OF ESTABLISHING A STATE RECREATION AREA AT BLEWETT FALLS LAKE. (Became law upon approval of the Governor, June 25, 2004 - S.L. 2004-24.)

**H.B. 1607**, AN ACT TO REMOVE A PORTION OF HEMLOCK BLUFFS STATE NATURAL AREA FROM THE STATE NATURE AND HISTORIC PRESERVE AND THE STATE PARKS SYSTEM TO PROVIDE A RIGHT-OF-

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WAY FOR THE WIDENING OF KILDAIRE FARM ROAD IN THE TOWN OF CARY, AND TO REMOVE THE HORNE CREEK LIVING HISTORICAL FARM LOCATED WITHIN PILOT MOUNTAIN STATE PARK FROM THE STATE PARKS SYSTEM IN ORDER TO ALLOW THE PROPERTY TO BE REALLOCATED TO THE DEPARTMENT OF CULTURAL RESOURCES FOR USE AS A STATE HISTORIC SITE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, June 25, 2004 - S.L. 2004-25.)

**H.B. 1373**, AN ACT TO INCREASE THE CLASSIFICATION OF ASSAULTING A PRIVATE CONTRACTOR EMPLOYED AS A PUBLIC TRANSPORTATION OPERATOR FROM A CLASS 2 MISDEMEANOR TO A CLASS A1 MISDEMEANOR. (Became law upon approval of the Governor, June 25, 2004 - S.L. 2004-26.)

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

**H.B. 1484**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SCHEDULE FOR ELECTION OF THE MERGED SCHOOL BOARD FOR CLEVELAND COUNTY, AS RECOMMENDED BY THE STATE BOARD OF ELECTIONS, with a favorable report.

**H.B. 1684**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN VANCE COUNTY, with a favorable report.

**H.B. 1722**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CURRITUCK ALCOHOLIC BEVERAGE CONTROL BOARD FROM THREE TO FIVE MEMBERS, with a favorable report.

**H.B. 1724** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT AND PITT COUNTIES, with a favorable report.

**H.B. 1732**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE WARD BOUNDARIES OF THE CITY OF SOUTHPORT TO REFLECT RECENT ANNEXATIONS, with a favorable report.

**S.B. 1205**, 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.

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Pursuant to Rule 45.1, the proposed Committee Substitute bill 75351, which changes the title to read **S.B. 1205** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL, is adopted and engrossed.

The Senate recesses at 7:22 P.M. for the purpose of a Finance Committee meeting to reconvene at 7:30 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 Purcell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 354** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE DISABILITY INCOME PLAN, 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 354, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE DISABILITY INCOME PLAN, Senate Health & Human Resources Committee Substitute Adopted 7/20/03, submit the following report:

The Senate and the House agree to the following amendment to the Senate Health and Human Resources Committee Substitute Adopted 7/20/03, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Health and Human Resources Committee Substitute Adopted 7/20/03 and substitute the attached Proposed Conference Committee Substitute H354-PCCS30562-LL-1.

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

Date Conferees approved report: June 28, 2004.

*Conferees for the Senate*

S/William R. Purcell  
S/James S. Forrester  
S/Kay R. Hagan

*Conferees for the House of Representatives*

S/Verla Insko  
S/Deborah K. Ross  
S/Carolyn K. Justus  
S/Don Munford

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The text of the attached Proposed Conference Committee Substitute, PCCS H354-PCCS30562 is as follows:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STATE DISABILITY INCOME PLAN.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 135-101(6) reads as rewritten:

"(6) "Disability" or "Disabled" shall mean the ~~physical or cognitive limitations that prevent working as determined by the Department of State Treasurer and the Board of Trustees;~~ mental or physical incapacity for the further performance of duty of a participant or beneficiary; provided that such incapacity was not the result of terrorist activity, active participation in a riot, committing or attempting to commit a felony, or intentionally self-inflicted injury."

**SECTION 2.** G.S. 135-105(a) reads as rewritten:

"(a) Any participant who becomes disabled and is ~~unable to perform the duties of the participant's job or any other available jobs with the State~~ no longer able to perform his usual occupation may, after at least 365 calendar days succeeding his date of initial employment as a teacher or employee and at least one year of contributing membership service, receive a benefit commencing on the first day succeeding the waiting period; provided that the participant's employer and attending physician shall certify that such participant ~~cannot perform the duties of the participant's job or any other jobs available with the State,~~ is mentally or physically incapacitated for the further performance of duty, that such incapacity was incurred at the time of active employment and has been continuous thereafter; provided further that the requirement for one year of contributing membership service must have been earned within 36 calendar months immediately preceding the date of disability and further, salary continuation used during the period as provided in G.S. 135-104 shall count toward the aforementioned one year requirement.

Notwithstanding the requirement that the incapacity was incurred at the time of active employment, any participant who becomes disabled while on an employer approved leave of absence and who is eligible for and in receipt of temporary total benefits under The North Carolina Workers' Compensation Act, Article 1 of Chapter 97 of the General Statutes, will be eligible for all benefits provided under this Article."

**SECTION 3.** G.S. 135-106(a) reads as rewritten:

"(a) Upon the application of a beneficiary or participant or of his legal representative or any person deemed by the Board of Trustees to represent the participant or beneficiary, any beneficiary or participant who has had five or more years of membership service may receive long-term disability benefits from the Plan upon approval by the Board of Trustees, commencing on the first day succeeding the conclusion of the short-term disability period provided for in G.S. 135-105, provided the beneficiary or participant makes application for such benefit within 180 days after the short-term disability period ceases, after salary continuation payments cease, or after monthly payments for Workers' Compensation cease, whichever is

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later; Provided, that the beneficiary or participant withdraws from active service by terminating employment as a teacher or State employee; Provided, that the Medical Board shall certify that such beneficiary or participant is ~~unable to perform any occupation for which the beneficiary or participant is reasonably qualified for by training or experience, mentally or physically incapacitated for the further performance of duty,~~ that such incapacity was incurred at the time of active employment and has been continuous thereafter, that such incapacity is likely to be permanent; Provided further that the Medical Board shall not certify any beneficiary or participant as disabled who is in receipt of any payments on account of the same incapacity which existed when the beneficiary first established membership in the Retirement System. The Board of Trustees may extend this 180-day filing requirement upon receipt of clear and convincing evidence that application was delayed through no fault of the disabled beneficiary or participant and was delayed due to the employers' miscalculation of the end of the 180-day filing period. However, in no instance shall the filing period be extended beyond an additional 180 days.

The Board of Trustees may require each beneficiary who becomes eligible to receive a long-term disability benefit to have an annual medical review or examination for the first five years and thereafter once every three years after the commencement of benefits under this section. However, the Board of Trustees may require more frequent examinations and upon the advice of the Medical Board shall determine which cases require such examination. Should any beneficiary refuse to submit to any examination required by this subsection or by the Medical Board, his long-term disability benefit shall be suspended until he submits to an examination, and should his refusal last for one year, his benefit may be terminated by the Board of Trustees. If the Medical Board finds that a beneficiary is no longer ~~unable to perform any occupation for which the beneficiary or participant is reasonably qualified for by training or experience, the Department of State Treasurer and mentally or physically incapacitated for the further performance of duty,~~ the Medical Board shall so certify this finding to the Board of Trustees, and the Board of Trustees may terminate the beneficiary's long-term disability benefits effective on the last day of the month in which the Medical Board certifies that the beneficiary is no longer disabled.

As to the requirement of five years of membership service, any participant or beneficiary who does not have five years of membership service within the 96 calendar months prior to conclusion of the short-term disability period or cessation of salary continuation payments, whichever is later, shall not be eligible for long-term disability benefits.

Notwithstanding the requirement that the incapacity was incurred at the time of active employment, any participant who becomes disabled while on an employer approved leave of absence and who is eligible for and in receipt of temporary total benefits under The North Carolina Workers' Compensation Act, Article 1 of Chapter 97 of the General Statutes, will be eligible for all benefits provided under this Article."

**SECTION 4.** Effective August 1, 2005, G.S. 135-106(a), as rewritten by Section 3 of this act, reads as rewritten:

"(a) Upon the application of a beneficiary or participant or of his legal representative or any person deemed by the Board of Trustees to represent the participant or beneficiary, any beneficiary or participant who has had five or more

years of membership service may receive long-term disability benefits from the Plan upon approval by the Board of Trustees, commencing on the first day succeeding the conclusion of the short-term disability period provided for in G.S. 135-105, provided the beneficiary or participant makes application for such benefit within 180 days after the short-term disability period ceases, after salary continuation payments cease, or after monthly payments for Workers' Compensation cease, whichever is later; Provided, that the beneficiary or participant withdraws from active service by terminating employment as a teacher or State employee; Provided, that the Medical Board shall certify that such beneficiary or participant is ~~mentally or physically incapacitated for the further performance of duty, unable to perform any occupation or employment commensurate to the beneficiary's or participant's education, training, or experience, which is available in the same commuting area for State employees or within the same local school administrative unit for school personnel, without an adverse impact on the beneficiary's or participant's career status, and in which the beneficiary or participant can be expected to earn not less than sixty-five percent (65%) of that beneficiary's or participant's predisability earnings,~~ that such incapacity was incurred at the time of active employment and has been continuous thereafter, that such incapacity is likely to be permanent; Provided further that the Medical Board shall not certify any beneficiary or participant as disabled who is in receipt of any payments on account of the same incapacity which existed when the beneficiary first established membership in the Retirement System. The Board of Trustees may extend this 180-day filing requirement upon receipt of clear and convincing evidence that application was delayed through no fault of the disabled beneficiary or participant and was delayed due to the employers' miscalculation of the end of the 180-day filing period. However, in no instance shall the filing period be extended beyond an additional 180 days.

The Board of Trustees may require each beneficiary who becomes eligible to receive a long-term disability benefit to have an annual medical review or examination for the first five years and thereafter once every three years after the commencement of benefits under this section. However, the Board of Trustees may require more frequent examinations and upon the advice of the Medical Board shall determine which cases require such examination. Should any beneficiary refuse to submit to any examination required by this subsection or by the Medical Board, his long-term disability benefit shall be suspended until he submits to an examination, and should his refusal last for one year, his benefit may be terminated by the Board of Trustees. If the Medical Board finds that a beneficiary is no longer mentally or physically incapacitated for the further performance of duty, the Medical Board shall so certify this finding to the Board of Trustees, and the Board of Trustees may terminate the beneficiary's long-term disability benefits effective on the last day of the month in which the Medical Board certifies that the beneficiary is no longer disabled.

As to the requirement of five years of membership service, any participant or beneficiary who does not have five years of membership service within the 96 calendar months prior to conclusion of the short-term disability period or cessation of salary continuation payments, whichever is later, shall not be eligible for long-term disability benefits.

Notwithstanding the requirement that the incapacity was incurred at the time of active employment, any participant who becomes disabled while on an employer approved leave of absence and who is eligible for and in receipt of temporary total

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benefits under The North Carolina Workers' Compensation Act, Article 1 of Chapter 97 of the General Statutes, will be eligible for all benefits provided under this Article."

**SECTION 5.** Section 30.20(b) of S.L. 2003-284 reads as rewritten:

**"SECTION 30.20.(b)** The Commission shall be comprised of ~~seven~~13 members as follows:

- (1) ~~Two~~ Four persons appointed by the President Pro Tempore of the ~~Senate. One of these appointees shall be a State employee.~~ Senate, one of whom shall be familiar with disability issues relating to State employees, one of whom shall be familiar with disability issues relating to school employees, and one of whom shall be familiar with workers' compensation issues relating to State employees or school employees.
- (2) ~~Two~~ Four persons appointed by the Speaker of the House of ~~Representatives. One of these appointees shall be a State employee.~~ Representatives, one of whom shall be familiar with disability issues relating to State employees, one of whom shall be familiar with disability issues relating to school employees, and one of whom shall be familiar with workers' compensation issues relating to State employees or school employees.
- (3) The State Treasurer, or the Treasurer's designee.
- (4) The Executive Administrator of the Teachers' and State Employees' Comprehensive Major Medical Plan.
- (5) ~~The President of the North Carolina Association of Educators, or the President's designee. The Chair of the North Carolina Industrial Commission, or the Chair's designee.~~
- (6) One person appointed by the President of The University of North Carolina who is familiar with disability issues relating to university employees.
- (7) One person appointed by the President of the North Carolina Community Colleges System who is familiar with disability issues relating to community college employees.

Any vacancy shall be filled by the officer who made the original appointment."

**SECTION 6.** Sections 1 through 3 are effective retroactively from and after July 1, 2003. Section 4 of this act becomes effective August 1, 2005, and applies only to persons who are not vested in the disability plan in question on that date. The remainder of this act is effective when it becomes law.

The Conference Report is placed on the Calendar for tomorrow, Tuesday, June 29, for adoption.

#### CALENDAR

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

**S.B. 582** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE PUBLIC HEALTH PREPAREDNESS AND RESPONSE.

Upon motion of Senator Purcell, the House Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, June 30.

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**H.B. 1152** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY DISCLOSURE OF MOTOR VEHICLE TOTAL LOSS CLAIMS.

Upon motion of Senator Soles, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, June 29.

**S.B. 1327** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND STRENGTHEN THE REPORTING REQUIREMENTS OF NON-STATE ENTITIES RECEIVING STATE FUNDS.

Upon motion of Senator Kerr, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

**H.B. 1420**, A BILL TO BE ENTITLED AN ACT TO EXTEND TO LOCAL GOVERNMENTS ACTING JOINTLY THE SAME SETOFF DEBT COLLECTION PROCEDURES CURRENTLY ALLOWED TO LOCAL GOVERNMENTS ACTING ALONE.

Upon motion of Senator Kerr, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, July 6.

Without objection, upon motion of Senator Rand, all bills ordered sent to the House of Representatives beginning today through the end of Session will be sent by special message.

**CALENDAR** (*continued*)

**H.B. 224** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF KANNAPOLIS, TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF MOUNT PLEASANT, AND TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF MIDLAND, 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, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hunt, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Webster—44.

Voting in the negative: None.

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

**H.B. 1369** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE WESTERN BOUNDARY OF THE TOWN OF EMERALD ISLE EXTENDS TO THE BOGUE INLET CHANNEL AS IT FLUCTUATES OVER TIME TO ALLOW ALL UPLAND AREAS CONNECTED TO BOGUE BANKS ON THE WESTERN END OF THE ISLAND TO BE IN THE TOWN LIMITS

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AND TO ANNEX CERTAIN DESCRIBED TERRITORY INTO THE TOWN OF MIDLAND, 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, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Webster—45.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, June 29, upon third reading.

**H.B. 1385** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR VARIOUS MUNICIPALITIES, 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, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Webster—45.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, June 29, upon third reading.

**H.B. 1475**, A BILL TO BE ENTITLED AN ACT TO ANNEX THE ALBEMARLE CORRECTIONAL INSTITUTION TO THE TOWN OF BADIN, 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, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Webster—45.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Tuesday, June 29, upon third reading.

**H.B. 1593**, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE TOWN OF SWANSBORO, 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, Basnight,

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Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Webster—45.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Tuesday, June 29, upon third reading.

**H.B. 1678**, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NORWOOD, 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, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Webster—45.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Tuesday, June 29, upon third reading.

#### REPORTS OF COMMITTEES

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

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

**S.B. 1265** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN ORANGE AND CHATHAM COUNTIES TO MEMORIALIZE A 1989 AGREEMENT BETWEEN THOSE TWO COUNTIES WHICH WAS ALREADY REFLECTED IN THE 2000 CENSUS, with a favorable report.

Upon motion of Senator Rand, the rules are suspended and the bill is placed on tonight's Calendar.

#### CALENDAR *(continued)*

**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, 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, Garrou, Garwood, Hagan, Hargett, Hartsell,

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Holloman, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Webster—44.

Voting in the negative: Senator Horton—1.

The Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, June 29, upon third reading.

**H.B. 1555** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ADDITIONAL FEE TO BE PAID TO COMMISSION CONTRACT AGENTS FOR TRANSACTIONS RELATED TO MOTOR VEHICLE TITLES AND TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY CUSTOMER SERVICE PROVIDED BY THE DIVISION OF MOTOR VEHICLES AND THE COMMISSION CONTRACT AGENTS, upon second reading.

*Without objection, Senator Hargett requests to be excused from voting on the bill due to a conflict of interest.*

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 40, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Hagan, Hartsell, Holloman, Horton, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas and Tillman—40.

Voting in the negative: Senators Berger, Foxx, Rucho and Webster—4.

The Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, June 29, upon third reading.

**S.B. 1043** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING CERTAIN MATERIALS AND TO PROVIDE THAT A LAW ENFORCEMENT OFFICER CANNOT ISSUE A CITATION TO A PERSON FOR FAILING TO HAVE IN HIS POSSESSION A SPECIAL PERMIT FOR VEHICLES OF EXCESSIVE SIZE AND WEIGHT IF THE OFFICER DETERMINES THAT THE PERSON HAS BEEN ISSUED A PERMIT AND THE PERSON SUBMITS THE PERMIT WITHIN THIRTY DAYS OF THE VIOLATION.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives by special message.

**H.B. 964** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING FURNITURE REQUIREMENT CONTRACTS FOR STATE AGENCIES.

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. 1463** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION.

Senator Dorsett offers Amendment No. 1 which is adopted (43-2).

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The Senate Committee Substitute bill, as amended, passes its second (45-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

**S.B. 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 Senate fails to concur in the House Committee Substitute bill (1-44).

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

**S.B. 1265** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN ORANGE AND CHATHAM COUNTIES TO MEMORIALIZE A 1989 AGREEMENT BETWEEN THOSE TWO COUNTIES WHICH WAS ALREADY REFLECTED IN THE 2000 CENSUS, placed earlier on today's Calendar, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

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

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, June 29, upon third reading.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**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.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 230 earlier tonight and the motion by Senator Hartsell to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Hartsell, Chair, Senator Clodfelter and Senator Kerr as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

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**SENATE PAGES**

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

Jairus Ivan Barnes, Goldsboro; Danna M. Bradley, Raleigh; Elizabeth Gabrielle Brown, Washington; Jessica Caldwell, Gastonia; Bryan Cockfield, Gastonia; Kristen Combs, Raleigh; Tori Daniels, Lenoir; Latasha Denise Gibbs, Goldsboro; Megan Hardison, Colfax; Sarah Isaacson, Greensboro; Vivian Johnson, Raleigh; Curtina King, Fayetteville; David T. Meek, Hickory; Grace Mills, Greensboro; Norman Freeman Perry III, Colerain; Christopher Robert Poor, Raleigh; Kathryn Rangel, Greensboro; Braxton Bragg Dawson Rascoe, Jr., Windsor; Craig Rawe, Gastonia; Thomas Earl Rhodes, Jr., Dudley; Christopher Shaw, Fayetteville; Rheagan Janelle Turner, Raleigh; Kalissa J. Van Vuren, Washington; Terry J. Watson, Goldsboro; and Christina Weaver, Mount Holly.

Upon motion of Senator Basnight, seconded by Senator Bingham, the Senate adjourns at 8:04 P.M. subject to receipt of messages from the House of Representatives and introduction of bills, to meet tomorrow, Tuesday, June 29, at 2:00 P.M.

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

**S.J.R. 1442**, A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO REMOVE THE 2001 BUDGET PROVISIONS WHICH ASSIST TERRORISTS AND VIOLATE ARTICLE I, SECTION 5 OF THE NORTH CAROLINA CONSTITUTION.

Referred to the **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  
June 28, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 354** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE DISABILITY INCOME PLAN.

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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 G. Weeks  
Principal Clerk

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**S.B. 444** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT EDUCATIONAL MATERIALS ARE PROVIDED SO THAT SCHOOLS PROVIDE INFORMATION TO PARENTS AND GUARDIANS CONCERNING MENINGOCOCCAL MENINGITIS AND INFLUENZA AND THEIR VACCINES, for concurrence in the House Committee Substitute bill.

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

**S.B. 486** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURANCE COMPANIES FROM USING CUSTOMER INQUIRIES TO TERMINATE A POLICY, TO REFUSE TO ISSUE OR RENEW A POLICY, OR TO SUBJECT A POLICY TO CONSENT TO RATE, for concurrence in the House Committee Substitute bill No. 2.

Referred to the **Commerce Committee**.

**S.B. 859** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CATAWBA/WATEREE RIVER BASIN ADVISORY COMMISSION AND THE YADKIN/PEE DEE RIVER BASIN ADVISORY COMMISSION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, June 29.

**S.B. 1063** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, June 29.

**H.B. 1349**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN COLUMBUS COUNTY AND FOR TRAPPING FOXES IN PITT COUNTY.

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

**H.B. 1354** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST DOMESTIC VIOLENCE, TO

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PROVIDE ADDITIONAL ASSISTANCE TO DOMESTIC VIOLENCE VICTIMS, AND TO MAKE OTHER CHANGES AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE.

Referred to the **Judiciary I Committee**.

**H.B. 1424**, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC CONSTRUCTION CONTRACT SURETY BOND STATUTE.

Referred to the **Finance Committee**.

**H.B. 1459** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE WHETHER TEACHER PREPARATION PROGRAMS SHOULD REQUIRE COURSES IN DIVERSITY TRAINING, ANGER MANAGEMENT, CONFLICT RESOLUTION, AND CLASSROOM MANAGEMENT.

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

**H.B. 1469** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO INITIATE OR CONTINUE CERTAIN DISEASE MANAGEMENT ACTIVITIES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE RISING COST OF HEALTH CARE.

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

**H.B. 1594**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT.

Referred to the **Finance Committee**.

**H.B. 1730**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A SEWER TREATMENT FEE.

Referred to the **Finance Committee**.

**H.B. 1733** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF SOUTHPORT TO ASSESS BENEFITED PROPERTY FOR UNDERGROUNDING UTILITIES.

Referred to the **Finance Committee**.

**H.B. 1734** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OCEAN ISLE BEACH TO IMPOSE A CANAL DREDGING FEE.

Referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 8:20 P.M.

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**ONE HUNDRED THIRTY-FIFTH DAY**

Senate Chamber  
Tuesday, June 29, 2004

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 Phillip Jones, Friendly Community Baptist Church, Burgaw, North Carolina, as follows:

"Our most gracious and heavenly Father, it is indeed a great honor and privilege to bow my head with the President and members of the Senate body today to take the time to acknowledge You as King of kings and Lord of lords. Help us understand that our relationship with You through Your son is life's greatest concern.

"We are aware that our world today seems to be more challenging and less predictive than ever before. Our decisions are complicated, the issues intertwined with greater consequences, and the questions are more frequent than answers. My prayer for this special group of men and women is that their decisions be guided by the wisdom described in the Holy Scriptures as a '...wisdom that is from above which is first pure then peaceable, gentle, willing to yield, full of mercy and good fruits, without partiality and without hypocrisy.'

"I pray for vision on behalf of our economy. Grant, I pray, foresight so that provision and prosperity will be enjoyed by the citizens of today and tomorrow.

"Unite our hearts, blend our voices, and may both parties of this legislative body speak in harmony and clarity Your message of hope, peace and morality. Hear our prayer, grant to us Your blessing and give us the courage to stand. Amen."

The Chair grants leaves of absence for today to Senator Hoyle, Senator Nesbitt, Senator Reeves, Senator Weinstein and Senator White.

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

*The President of the Senate extends courtesies of the floor to Ann Moore from Hickory, North Carolina, who is serving the Senate as Nurse of the Day.*

**ENROLLED BILLS**

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

**H.B. 26**, 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.

**H.B. 1303**, AN ACT TO REDUCE PRIVILEGE AND EXCISE TAXES.

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

**S.B. 1127**, AN ACT TO INCORPORATE THE TOWN OF WALLBURG.

**H.B. 1363**, AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE LAKE TOXAWAY PROPERTY OWNERS' ASSOCIATION IN TRANSYLVANIA COUNTY.

**H.B. 1543**, AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL.

#### 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. 1122**, AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO POSTPONE FOR EIGHTEEN 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 28, 2004 - S.L. 2004-27.)

**H.B. 1364**, AN ACT TO PROVIDE THAT TRANSYLVANIA COUNTY MAY PURCHASE AND CONVEY PROPERTY TO THE STATE FOR USE AS CORRECTIONAL FACILITIES. (Became law upon ratification, June 28, 2004 - S.L. 2004-28.)

**H.B. 1425**, AN ACT TO ALLOW THE BROUGHTON POLICE DEPARTMENT TO ENTER INTO MUTUAL AID AGREEMENTS WITH THE CITY OF MORGANTON POLICE DEPARTMENT AND THE BURKE COUNTY SHERIFF'S OFFICE, AND TO ALLOW THE BROUGHTON POLICE DEPARTMENT TO EXERCISE ITS POWERS AT WESTERN PIEDMONT COMMUNITY COLLEGE. (Became law upon ratification, June 28, 2004 - S.L. 2004-29.)

**H.B. 1447**, AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE CITIES OF GREENVILLE AND HENDERSON AND THE TOWN OF WAYNESVILLE. (Became law upon ratification, June 28, 2004 - S.L. 2004-30.)

**H.B. 1471**, AN ACT TO DEANNEX TWO DESCRIBED PARCELS FROM THE CORPORATE LIMITS OF THE TOWN OF BAKERSVILLE. (Became law upon ratification, June 28, 2004 - S.L. 2004-31.)

**H.B. 1553**, AN ACT TO RATIFY THE BOUNDARIES OF THE TOWN OF GRIMESLAND BASED ON A NEW SURVEY ALONG THE EXISTING COMMONLY RECOGNIZED BOUNDARY. (Became law upon ratification, June 28, 2004 - S.L. 2004-32.)

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**H.B. 1569**, AN ACT REPEALING THE AUTHORITY OF COLUMBUS COUNTY 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 28, 2004 - S.L. 2004-33.)

**H.B. 1619**, AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELIZABETHTOWN. (Became law upon ratification, June 28, 2004 - S.L. 2004-34.)

**H.B. 1670**, AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR THE CITY OF NEWTON AND CATAWBA COUNTY AS TO A PARK. (Became law upon ratification, June 28, 2004 - S.L. 2004-35.)

#### 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 Dorsett, Hagan; Basnight, Berger, Clodfelter, Foxx, Garrou, Horton, Hoyle, Kinnaird and Rand:

**S.J.R. 1443**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF KATHLEEN BRYAN EDWARDS, ONE OF THE STATE'S MOST PROMINENT CITIZENS.

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

#### WITHDRAWAL FROM COMMITTEE

**S.J.R. 1443**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF KATHLEEN BRYAN EDWARDS, ONE OF THE STATE'S MOST PROMINENT CITIZENS, referred to the **Rules and Operations of the Senate Committee** earlier today.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for tomorrow, Wednesday, June 30, 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 30.

#### CALENDAR

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

**S.J.R. 1408**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GENERAL GRIFFITH RUTHERFORD ON THE 225TH ANNIVERSARY OF RUTHERFORD COUNTY.

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Senator Rand offers a motion that the joint resolution be taken up out of its regular order of business and placed before the Senate for immediate consideration, which motion prevails.

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

The joint resolution passes its second (44-0) and third readings and is ordered sent to the House of Representatives by special message.

**H.B. 1152** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY DISCLOSURE OF MOTOR VEHICLE TOTAL LOSS CLAIMS.

Upon motion of Senator Soles, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 6.

**S.J.R. 1441**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF RAY CHARLES, AN AMERICAN LEGEND.

Senator Rand offers a motion that the joint resolution be taken up out of its regular order of business and placed before the Senate for immediate consideration, which motion prevails.

Upon motion of Senator Dorsett, 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 Dorsett:**

“Thank you, Madame President. As was said, Ray Charles was a musical genius, an innovator, an advocate, a trendsetter. These are just a few words to describe the talent of this great man. Greatness often springs from humble beginnings, and Ray Charles’ life was not easy. In fact, things were downright hard for him. Mr. Charles commented on one occasion that, ‘You hear folks talking about being poor. Even compared to other blacks, we were on the bottom of the ladder looking up at everyone else. There was nothing below us except the ground.’ Now his story was a tale of from rags to riches, but his journey is more than just from poverty to prosperity. It is also one of triumph and overcoming tremendous odds. He was orphaned at age fourteen and hit the road, bouncing from city to city, attempting to scratch out a living as a musician. However, it was earlier in his life that he would be dealt a major blow. Ray was going blind. At age five, he was beginning to lose his sight. One of the last sighted memories was seeing his younger brother drown as they played around in the field washtub in the back yard. By age seven, he was completely blind. However, his physical blindness would not prevent him from seeing the social evils and injustice of the era. As a black man living in the South, facing segregation and racism, unfortunately, that was one of his birthrights. But as a young musician on the road, he often encountered the ills of that day, of what he referred to as putting up with the usual things. He was not allowed to check in at the Hilton Hotel or the Sheraton, and he was also sometimes having to go to boarding houses for rooms. If he found himself a long distance between places that would serve him, he was relegated to accepting sandwiches at the back door. Not greatly known is Mr. Charles’ passion for advocacy and taking a stand when it was not so popular to do so. There was one day in Augusta, Georgia that he brought the issue of segregation verses civil rights to a boiling point, at least for him. He had a concert that day, and the manager said to him that he would have to be at the back.

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Well, he said to the promoter, 'I don't mind doing this, but except that you got it all backwards – that because I am black, the black folks ought to be close to me, and let him sue if he wants to sue.' He wasn't going to play. He said, 'I'm not going to play, and I didn't play.' But he sued, and Ray Charles said, 'and I lost,' which he did. That day catapulted Ray Charles to get involved in fighting racial justice wherever he could. He formed a friendship with Martin Luther King, Jr. About King, Mr. Charles often commented, 'I figured if I was going to pick up my cross and follow someone, that Martin Luther King would be the one that I would follow.' Through all that he saw and endured, he never lost his sense of humor. Though he was deeply committed to King and the plight of black Americans, he realized that there was no place for him, physically, on the front lines of the battle. And he personally said to Martin Luther King, 'First, I wouldn't have known when to duck if they started throwing broken bottles at my head.' So Ray Charles settled in the background, offering moral and financial support for that movement. He was quoted once as saying, 'When King intentionally broke the law, he was hauled off to jail, and when you go to jail, you need some money for lawyers, for legal research, for court fees, for food and for the marches. I saw that as my function, and so I helped to raise money.' He was the honorary chair for the National Sickle-Cell Disease Association in 1962, and in 1975, that association awarded him the first Man of Distinction Award. Mr. Charles has a long history of concern and activity with the Sickle-Cell Disease Association. The life of Ray Charles was not just one of global acclaim – twelve Grammy Awards to his credit, numerous gold records and television and movie appearances – it was a life that really made a difference. His appeal crossed socioeconomic and racial boundaries, and Ray Charles used his music and his numerous talents to bridge gaps between people who were more alike than they could see. It's ironic that a blind man could see that we were all the same. Ray Charles is a national treasure, an international phenomenon, and I would commend the resolution to you."

**Senator Albertson:**

"Thank you, Madame President and members of the Senate. Of all the regrets that I've ever had in my life, one of those regrets would be that I never got the chance to meet this great artist. What a wonderful person he was – a great singer, and I just love to hear him sing. When he came on the radio or television, I would always stop what I was doing and just listen to him because there was something very unique and special about him. He could sing anything, matter if it was country, rock, blues – he could sing it all. I know he recorded one of Don Gibson's country songs. Don had a hit on this song years ago, and it was good. I thought it was one of the best songs I ever heard. But then Ray Charles came along and recorded it, and boy, was it good – *I Can't Stop Loving You*. You just followed every word he said, and you knew he meant everything he said. I want to read one of his quotes to you. Katie, I don't believe you read this, and I want you to listen to this man's quote, folks, because it reveals so much about him, who he is and what he believed. Listen. He says, 'I was born with music inside me. That's the only explanation I know of. Music was one of my parts, like my blood. It was a force already with me when I arrived on the scene.' Don't you love that? 'It was a necessity for me, like food or water.' Now, I think this man had the good sense and wisdom to know where his great talent came from, and it says as much in his autobiography. I had it in my

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pocket, Katie, and I must have lost it somewhere. But there was an editorial in one of the local papers, one of the state papers, a few days ago after he had died. I think they had drawn a great picture, and it showed him at the piano with that familiar look about him. You know, he was singing with his mouth open and his head reared back to the side, and there were some angels behind him, and the cartoon said, 'There are souls, and there is soul.' And so it was, and so it is. This man had it – it was so obvious when he sang. Ladies and gentlemen of this Senate, when this man sang *America*, he could sing it unlike and better than anybody I've ever heard sing it in my life. When he sang *America, God shed his grace on thee*, you wanted to stop and put your arms around this Country. It was so obvious he loved it. What a genius he was. Thank God for Ray Charles, and may God bless him."

**Senator Hargett:**

"Well, it's hard to follow Senator Albertson, but I'd like to just add my thoughts that nobody ever gave me more listening pleasure than Brother Ray. You know, from Flip Wilson we learned that the reason Columbus came to America was to discover Ray Charles, and I believe that. I commend the resolution to you."

**Senator Rand:**

"I saw Ray Charles on the stage at Memorial Auditorium in Chapel Hill. I think it was 1959. Had I not done that, my life would not have been complete. He was a man of great personal dignity. When you saw him, you somehow could identify and could feel the intensity of his character. But, Lord, he could play the piano. Thank you."

**Senator Malone:**

"Thank you, Madame Chair. There's a statement in this resolution that speaks of Ray Charles' inspiration to other people. Senator Albertson, I had an opportunity to meet this grand personality on numerous occasions. I had dinner with him several times, and he had an infectious laugh. Absolutely nobody could sing like him, and there was nobody who could laugh like him. He was just a tremendously entertaining sort of fellow, whether he was at the keyboard or whether he was just in a social setting. The man and his music is well known. What you don't know is, Ray Charles was an inspiration to a lot of people around this Country who shared his lack of sight. Over the years, I had the chance to go to practically every school for the blind in the United States more than once, and one thing would always come up as we talked to young people and try to have them understand they could do it too. They got it from the Ray Charles and the Ronnie Milsaps of the world. Both were outstanding entertainers, and kids would say, 'I can't see, but I can do something. If Ray could do it or Ronnie could do it, then I could do it.' You would be amazed at the number of young men and women from the various schools around the Country who were visually impaired, and in many instances totally blind, who went on to college to become outstanding in whatever their chosen fields were, the numbers who not only have college degrees, but master's degrees and post-graduate degrees. It is utterly amazing if we could assemble those kinds of statistics. Seldom in a lifetime do you have people who overcome what normally would be considered a disability. Ray overcame his, and he was a real inspiration, not just an entertainer, but he was an absolute real inspiration to many people of similar limited capacity, or

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limited eyesight, around the Country. Ray Charles was an institution. If you never really got a chance to see him up close, you really and truly missed a treat. As Senator Albertson said, you'd see that guy lean back in his chair at a restaurant and laugh so loudly that he'd just about disturb what was going on there. He was an absolute comedian. I think he could have made it as a comedian, as well as an entertainer."

**Senator Dannelly:**

"Thank you, Madame President. I'm not a concertgoer because I stood in lines and stood so much in the Armed Forces that I decided that if I had to voluntarily go someplace to stand, then I wouldn't go. But I like all kinds of music and hated country-western until I heard Ray Charles and Willie Nelson and I believe I still have it in the trunk of my car, a little case full of country-western tapes by all of them – the master George Jones, Willie Nelson, Charlie Pride, and some of the girls as well. But, I've always been inspired by Ray Charles. Ray was one of those persons that would quickly let you know he was not handicapped – he was somewhat inconvenienced. I hope I have it correct, he was giving one of the... some advice because she was worried about her blending in with the rest of the group, and Ray told her, 'Listen, close your eyes and listen. Most people hear the music with their eyes, but I see music with my ears.' Please pass this resolution."

**Senator Tillman:**

"I had two or three occasions to see the great genius. The first one was in Nashville, Tennessee at the Grand Ole Opry. Now, you wouldn't think of Ray Charles necessarily being at the Opry. It was a matinee, in the afternoon, with he and Ronnie Millsap. It took them about fifteen minutes to shake hands, but once they did, we had a great show. They put on a show for us. They pretended that they couldn't find each other's hands. In 1992, Ray Charles was in Myrtle Beach at the convention center there, and I had a first row seat to see him. The closing song that he did was Hank Williams' *I'm so Lonesome I Could Cry*. You don't think of Ray Charles as being one of the Hank Williams singers to do that, but the song he had with Willie Nelson that went to number one was *Seven Spanish Angels*, I believe that Senator Dannelly was talking about, which was a great, great song. The song he did with George Jones was, *I Can't See You*, and that was a tremendous song. I don't think it got in the charts, but he did songs with many of the country artists and proved in that old Don Gibson song that he could take a country song. His managers, Senator Albertson, told him not to do that song, it will ruin your career, and Ray, of course, knew more than they did and had a huge hit off of it – probably his second biggest seller. He was also a champion chess player. I don't know how he did it, but he could beat all of the sighted players that he played. They were afraid to take him on, he was so good. But, I commend this great genius to you and this resolution. Thank you."

**Senator Allran:**

"Thank you, Madame President. Just briefly, I'd commend this resolution to you, and this is my experience on Ray Charles. Back when I was at Duke in the early '70s, I remember we used to sit around the dorm with the 45 record player with

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the spindle on it and all the 45s, and we'd just play *Hit the Road Jack* over and over and over again. A few years ago, when I wanted something to do in the evenings here to be constructive, I went back to State and enrolled in a master's degree, and that song inspired me to write a series of short stories. One of them actually won the North Carolina Writer's Network Award for Fiction and was published. So I can say, indirectly, my one moment in the sun in my writing career I can indirectly relate to Ray Charles. So I commend the resolution. Thank you."

**Senator Webster:**

"I was one of the lucky people that actually saw, met – nah, I didn't really meet him, I didn't have dinner with him. But I made my way up to the front, and shook hands with him. I didn't have to stand in line. That was a treasure I will never forget. That man could sing like nobody else, and when I saw him, it must have been about 1961 or 1962, and I thought he was an old man then. He did not age – a remarkable person and could sing just as good the last time I heard him on television as ever. I commend the resolution to you."

The joint resolution passes its second reading (45-0) and third reading with members standing, 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 Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee:**

**H.B. 1671**, A BILL TO BE ENTITLED AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY, with a favorable report.

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

**S.B. 1210**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IMPLEMENTATION OF FEDERAL PHASE II STORMWATER MANAGEMENT REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75354, which changes the title to read **S.B. 1210** (Committee Substitute), A BILL TO BE

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ENTITLED AN ACT TO PROVIDE FOR THE TEMPORARY IMPLEMENTATION OF FEDERAL PHASE II STORMWATER MANAGEMENT REQUIREMENTS BY PROVIDING: (1) THAT LOCAL GOVERNMENT APPLICATIONS FOR PHASE II STORMWATER PERMITS THAT WERE SUBMITTED IN ACCORDANCE WITH THE TEMPORARY STORMWATER RULE WILL BE DEEMED TIMELY RECEIVED; (2) STANDARDS FOR THE EVALUATION OF APPLICATIONS FOR PHASE II STORMWATER PERMITS; (3) AN EXEMPTION FROM PHASE II STORMWATER PERMIT REQUIREMENTS FOR CERTAIN SMALL MUNICIPALITIES; (4) THAT NEW DEVELOPMENT AND REDEVELOPMENT LOCATED IN A REGULATED COVERAGE AREA MUST COMPLY WITH THE STORMWATER MANAGEMENT RULE; (5) THAT THE ENVIRONMENTAL MANAGEMENT COMMISSION WILL ADMINISTER AND ENFORCE THE STORMWATER MANAGEMENT RULE IN A REGULATED COVERAGE AREA UNLESS A COUNTY VOLUNTARILY UNDERTAKES TO IMPLEMENT A LOCAL STORMWATER MANAGEMENT PROGRAM; (6) FOR THE COORDINATION OF PHASE II STORMWATER MANAGEMENT PROGRAMS AND OTHER EXISTING STATE PROGRAMS THAT REGULATE STORMWATER IN ORDER TO AVOID CONFLICTING, DUPLICATIVE, OR INCONSISTENT STORMWATER MANAGEMENT REQUIREMENTS; (7) THAT A LOCAL GOVERNMENT MAY OPT TO BE COVERED UNDER A GENERAL STORMWATER PERMIT DEVELOPED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; (8) DEADLINES FOR WHEN THE ENVIRONMENTAL MANAGEMENT COMMISSION MUST MAKE CERTAIN PHASE II STORMWATER PERMITTING DECISIONS; (9) DESIGNATION AND PETITION PROCESSES BY WHICH ADDITIONAL LOCAL GOVERNMENTS AND OTHER ENTITIES MAY BE REQUIRED TO OBTAIN A PHASE II STORMWATER PERMIT; (10) FOR THE DEVELOPMENT OF A STORMWATER MODEL ORDINANCE AND STORMWATER DESIGN MANUAL; (11) FOR THE ROLES OF STATE AND LOCAL GOVERNMENTS IN REGULATING THE STORMWATER IMPACTS OF FEDERAL AND STATE PROJECTS; (12) DEFINITIONS OF TERMS TO BE USED IN THE IMPLEMENTATION OF THIS ACT; (13) THAT CERTAIN AGRICULTURE AND FORESTRY ACTIVITIES ARE EXEMPT FROM PHASE II STORMWATER PERMIT REQUIREMENTS; AND (14) HOW THE ACT SHALL BE CONSTRUED, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is adopted and engrossed.

**CALENDAR** *(continued)*

**S.B. 1265** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN ORANGE AND CHATHAM COUNTIES TO MEMORIALIZE A 1989 AGREEMENT BETWEEN THOSE TWO COUNTIES WHICH WAS ALREADY REFLECTED IN THE 2000 CENSUS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

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

Voting in the negative: None.

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

**H.B. 1369** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE WESTERN BOUNDARY OF THE TOWN OF EMERALD ISLE EXTENDS TO THE BOGUE INLET CHANNEL AS IT FLUCTUATES OVER TIME TO ALLOW ALL UPLAND AREAS CONNECTED TO BOGUE BANKS ON THE WESTERN END OF THE ISLAND TO BE IN THE TOWN LIMITS AND TO ANNEX CERTAIN DESCRIBED TERRITORY INTO THE TOWN OF MIDLAND, 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, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Webster—45.

Voting in the negative: None.

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

**H.B. 1385** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR VARIOUS MUNICIPALITIES, 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, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Webster—45.

Voting in the negative: None.

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

**H.B. 1475**, A BILL TO BE ENTITLED AN ACT TO ANNEX THE ALBEMARLE CORRECTIONAL INSTITUTION TO THE TOWN OF BADIN, upon third reading

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The 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, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Webster—45.

Voting in the negative: None.

The bill is ordered enrolled.

**H.B. 1593**, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE TOWN OF SWANSBORO, upon third reading.

The 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, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Webster—45.

Voting in the negative: None.

The bill is ordered enrolled.

**H.B. 1678**, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NORWOOD, upon third reading.

The 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, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Webster—45.

Voting in the negative: None.

The bill is ordered enrolled.

**S.B. 1205** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL.

The bill passes its second and third readings and is ordered sent to the House of Representatives by special message.

**H.B. 1484**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SCHEDULE FOR ELECTION OF THE MERGED SCHOOL BOARD FOR CLEVELAND COUNTY, AS RECOMMENDED BY THE STATE BOARD OF ELECTIONS.

The bill passes its second and third readings and is ordered enrolled.

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**H.B. 1684**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN VANCE COUNTY.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 1722**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CURRITUCK ALCOHOLIC BEVERAGE CONTROL BOARD FROM THREE TO FIVE MEMBERS.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 1724** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT AND PITT COUNTIES.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

**H.B. 1732**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE WARD BOUNDARIES OF THE CITY OF SOUTHPORT TO REFLECT RECENT ANNEXATIONS.

The bill passes its second and third readings and is ordered enrolled.

**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, as amended by the Finance Committee, upon third reading.

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

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

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives by special message, for concurrence in Senate Amendment No. 1.

**H.B. 1555** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ADDITIONAL FEE TO BE PAID TO COMMISSION CONTRACT AGENTS FOR TRANSACTIONS RELATED TO MOTOR VEHICLE TITLES AND TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY CUSTOMER SERVICE PROVIDED BY THE DIVISION OF MOTOR VEHICLES AND THE COMMISSION CONTRACT AGENTS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 38, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Hagan, Hartsell, Holloman, Hunt, Jenkins,

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Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Shaw, Sloan, Smith, Soles, Stevens, Swindell, Thomas and Tillman—38.

Voting in the negative: Senators Berger, Foxx, Rucho, Shubert and Webster—5.

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

**S.B. 859** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CATAWBA/WATEREE RIVER BASIN ADVISORY COMMISSION AND THE YADKIN/PEE DEE RIVER BASIN ADVISORY COMMISSION, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (44-1) and the measure is ordered enrolled and sent to the Governor.

**S.B. 1063** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS, for concurrence in the House Committee Substitute bill.

Upon motion by Senator Hartsell, the Senate fails to concur in the House Committee Substitute bill (0-45). The President orders a message sent to the House of Representatives informing that Honorable Body of such action.

**H.B. 354** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE DISABILITY INCOME PLAN.

Upon motion of Senator Purcell, 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.

#### WITHDRAWAL FROM 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 the **Rules and Operations of the Senate Committee** on June 8, 2004.

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

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

Upon motion of Senator Basnight, seconded by Senator Thomas, the Senate adjourns at 3:21 P.M. subject to receipt of messages from the House of Representatives and appointment of conferees, to meet tomorrow, June 30, at 2:00 P.M.

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**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**H.B. 1415** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE AN ALTERNATIVE RESEARCH AND DEVELOPMENT TAX CREDIT.  
Referred to the **Finance Committee**.

**H.B. 1649** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WAKE COUNTY TO REGULATE THE USE OF IMPAIRING SUBSTANCES WHILE HUNTING WITH FIREARMS.  
Referred to the **State Government, Local Government, and Veterans' Affairs Committee**.

**H.B. 1668**, A BILL TO BE ENTITLED AN ACT TO AMEND THE ACT ESTABLISHING THE SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN IN THE CITY OF WILSON.  
Referred to the **Pensions & Retirement and Aging Committee**.

**H.B. 1669**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CLINTON CITY BOARD OF EDUCATION TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE SAMPSON HIGH SCHOOL ALUMNI ASSOCIATION, INC.  
Referred to the **State Government, Local Government, and Veterans' Affairs Committee**.

**H.B. 1687** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR CABARRUS COUNTY.  
Referred to the **State Government, Local Government, and Veterans' Affairs Committee**.

**H.B. 1726** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS.  
Referred to the **State Government, Local Government, and Veterans' Affairs Committee**.

**H.B. 1728** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LAKE ROYALE POLICE DEPARTMENT TO ENFORCE THE LAW ON THE WATERS OF LAKE ROYALE AND TO COMPETE FOR GRANTS FOR THE PURCHASE OF LAW ENFORCEMENT EQUIPMENT.  
Referred to the **State Government, Local Government, and Veterans' Affairs Committee**.

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**SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

**H.B. 1609** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT A PROVISION ALLOWED UNDER THE STREAMLINED SALES TAX AGREEMENT THAT TREATS ALL PRINTERS EQUALLY.

Referred to the **Finance Committee**.

House of Representatives  
June 29, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in Senate Amendments No. 1 and 2 for **H.B. 1352**, A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM AND TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND, and requests conferees.

Speaker Black has appointed:

Representative Daughtridge, Co-Chair  
Representative Owens, Co-Chair  
Representative Barnhart  
Representative Miner  
Representative Justice  
Representative Baker  
Representative G. Allen  
Representative Wainwright  
Representative Crawford, and  
Representative Luebke

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

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

**APPOINTMENT OF CONFERENCE COMMITTEE**

**H.B. 1352** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM AND TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND.

June 29, 2004

Pursuant to the message from the House of Representatives received earlier today that the House fails to concur in Senate Amendments No. 1 and No. 2 for H.B. 1352 and requests conferees, Senator Basnight, President *Pro Tempore* announces the appointment of Senator Kerr, Chair; Senator Garrou; Senator Dalton; 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.

#### **SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

**H.J.R. 1540** (Committee Substitute), A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO REPORT TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE REGARDING THE ENROLLMENT OF UNDERGRADUATE STUDENTS AT EACH CONSTITUENT INSTITUTION AND THE PERCENTAGE OF THOSE WHO ARE OUT-OF-STATE STUDENTS.

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

**H.B. 1565** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RECODIFY MANY OF THE PROVISIONS OF THE EXECUTIVE BUDGET ACT AND THE CAPITAL IMPROVEMENT PLANNING ACT INTO A STATE BUDGET ACT THAT REVISES AND CLARIFIES THE PROCEDURES FOR PREPARING, ENACTING, AND ADMINISTERING THE STATE BUDGET AND TO MAKE CONFORMING CHANGES AS RECOMMENDED BY THE JOINT COMMITTEE ON EXECUTIVE BUDGET ACT REVISIONS.

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

**H.B. 1723** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EXISTING CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' MAJOR MEDICAL PLAN.

Referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Pensions & Retirement and Aging Committee**; and upon a favorable report, re-referred to the **Select Committee on Employee Hospital and Medical Benefits Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:43 P.M.

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June 29, 2004



**ONE HUNDRED THIRTY-SIXTH DAY**

Senate Chamber  
Wednesday, June 30, 2004

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 confess on some days when we pray at the beginning of a session that we act like or think that You are uninterested in what goes on here, or maybe that we even know more than You about education, health care or budgets and the like.

"We ask that You forgive us. Today we remember the verse: 'If anyone lacks wisdom, let that person ask of God, who gives to all people liberally...and it shall be given.'

"So today we ask for a special compensation of Your wisdom in matters that face the Senate. And we pray for our willingness to accept Your guidance. Amen."

The Chair grants leaves of absence for today to Senator Hoyle, Senator Reeves and Senator Weinstein.

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

*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 Sandra Wilder from Lewisville, 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. 859**, AN ACT TO ESTABLISH THE CATAWBA/WATEREE RIVER BASIN ADVISORY COMMISSION AND THE YADKIN/PEE DEE RIVER BASIN ADVISORY COMMISSION.

**H.B. 354**, AN ACT TO AMEND THE STATE DISABILITY INCOME PLAN.

**H.B. 429**, AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PAY MONETARY COMPENSATION FOR REMOVAL OF LAWFULLY ERECTED OFF-PREMISES OUTDOOR ADVERTISING SIGNS AND TO AUTHORIZE LOCAL GOVERNMENTS TO ENTER INTO RELOCATION AND RECONSTRUCTION AGREEMENTS WITH OWNERS OF NONCONFORMING OFF-PREMISES OUTDOOR ADVERTISING SIGNS.

**H.B. 1555**, AN ACT TO PROVIDE AN ADDITIONAL FEE TO BE PAID TO COMMISSION CONTRACT AGENTS FOR TRANSACTIONS RELATED TO

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MOTOR VEHICLE TITLES AND TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY CUSTOMER SERVICE PROVIDED BY THE DIVISION OF MOTOR VEHICLES AND THE COMMISSION CONTRACT AGENTS.

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

**H.B. 1475**, AN ACT TO ANNEX THE ALBEMARLE CORRECTIONAL INSTITUTION TO THE TOWN OF BADIN.

**H.B. 1484**, AN ACT TO CLARIFY THE SCHEDULE FOR ELECTION OF THE MERGED SCHOOL BOARD FOR CLEVELAND COUNTY, AS RECOMMENDED BY THE STATE BOARD OF ELECTIONS.

**H.B. 1593**, AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE TOWN OF SWANSBORO.

**H.B. 1678**, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NORWOOD.

**H.B. 1684**, AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN VANCE COUNTY.

**H.B. 1722**, AN ACT TO INCREASE THE MEMBERSHIP OF THE CURRITUCK ALCOHOLIC BEVERAGE CONTROL BOARD FROM THREE TO FIVE MEMBERS.

**H.B. 1724**, AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT AND PITT COUNTIES.

**H.B. 1732**, AN ACT TO CLARIFY THE WARD BOUNDARIES OF THE CITY OF SOUTHPORT TO REFLECT RECENT ANNEXATIONS.

#### 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. 1543**, AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL. (Became law upon ratification, June 29, 2004 - S.L. 2004-36.)

**S.B. 1127**, AN ACT TO INCORPORATE THE TOWN OF WALLBURG. (Became law upon ratification, June 29, 2004 - S.L. 2004-37.)

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**H.B. 1363**, AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS OWNED BY THE LAKE TOXAWAY PROPERTY OWNERS' ASSOCIATION IN TRANSYLVANIA COUNTY. (Became law upon ratification, June 29, 2004 - S.L. 2004-38.)

### CALENDAR

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

**H.B. 1671**, A BILL TO BE ENTITLED AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY.

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**.

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

**H.B. 1518**, A BILL TO BE ENTITLED AN ACT REQUIRING A PERSON TO PAY ANY OUTSTANDING RESTITUTION ORDERS PRIOR TO THE EXPUNCTION OF THE PERSON'S CRIMINAL RECORD, 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 80475, is adopted and engrossed.

**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 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 50437, which changes the title to read **H.B. 965** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PENALTIES FOR PERSONS WHO CAUSE SERIOUS BODILY INJURY WHEN FAILING TO YIELD THE RIGHT-OF-WAY UNDER CERTAIN CIRCUMSTANCES; TO CLARIFY WHEN A PEDESTRIAN HAS THE RIGHT-OF-WAY AT AN INTERSECTION WHERE TRAFFIC IS ALLOWED TO TURN RIGHT ON A RED LIGHT, TO INCREASE THE PENALTY FOR FAILURE TO YIELD THE RIGHT-OF-WAY TO A PEDESTRIAN WHEN TURNING RIGHT AT A RED LIGHT; TO INCREASE THE DRIVERS LICENSE POINTS ASSESSED FOR FAILURE TO YIELD THE RIGHT-OF-WAY TO A BICYCLE, MOTOR SCOOTER, MOTORCYCLE, OR PEDESTRIAN; AND TO COLLECT DATA REGARDING PEDESTRIAN ACCIDENTS WHERE VEHICLES ARE TURNING RIGHT AT A RED LIGHT, is adopted and engrossed.

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By Senator Purcell for the **Health and Human Resources Committee**:

**H.B. 1469** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO INITIATE OR CONTINUE CERTAIN DISEASE MANAGEMENT ACTIVITIES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE RISING COST OF HEALTH CARE, with a favorable report.

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

**S.B. 1317**, A BILL TO BE ENTITLED AN ACT TO DELAY THE EFFECTIVE DATE OF THE IMPOSITION OF A FEE PAYABLE TO THE STATE BUREAU OF INVESTIGATION BY THE NORTH CAROLINA BOARD OF LAW EXAMINERS FOR CRIMINAL HISTORY RECORDS CHECKS, TO AUTHORIZE THE BOARD OF LAW EXAMINERS TO COLLECT FEES ASSOCIATED WITH CRIMINAL HISTORY RECORDS CHECKS, AND TO STRENGTHEN THE RULES REGARDING WHEN AND UNDER WHAT CIRCUMSTANCES A LAWYER MAY SOLICIT BUSINESS FROM A PROSPECTIVE CLIENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55310, which changes the title to read **S.B. 1317** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PRIVILEGE TAX ON ATTORNEYS TO SUPPORT THE NORTH CAROLINA PUBLIC CAMPAIGN FINANCING FUND; TO DELAY THE EFFECTIVE DATE OF THE IMPOSITION OF A FEE PAYABLE TO THE STATE BUREAU OF INVESTIGATION BY THE NORTH CAROLINA BOARD OF LAW EXAMINERS FOR CRIMINAL HISTORY RECORD CHECKS, TO AUTHORIZE THE BOARD OF LAW EXAMINERS TO COLLECT FEES ASSOCIATED WITH CRIMINAL HISTORY RECORD CHECKS, AND TO STRENGTHEN THE RULES REGARDING WHEN AND UNDER WHAT CIRCUMSTANCES A LAWYER MAY SOLICIT BUSINESS FROM A PROSPECTIVE CLIENT, is adopted and engrossed.

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

**H.B. 1449** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURE 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 60516, is adopted and engrossed.

#### **CALENDAR** *(continued)*

**S.B. 1060**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 6, upon third reading.

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**S.B. 1181**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE ALLEGHANY OCCUPANCY TAX.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 6, upon second reading.

#### REPORTS OF COMMITTEES

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

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee**:

**H.B. 1462**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF SEVEN DEVILS TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES, with a favorable report.

**H.B. 1589** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CODIFYING THE METHOD OF ELECTING THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS AS ORDERED BY THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, with a favorable report.

**H.B. 1613** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW IN CHOWAN COUNTY REGULATING HUNTING ON PRIVATE LAND, TO REGULATE THE DISCHARGE OF A CENTER-FIRE RIFLE IN CHOWAN COUNTY, AND TO ADD CHOWAN AND ANSON COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS, with a favorable report.

**H.B. 1614**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LENOIR COUNTY ABC BOARD MAY MAKE ANNUAL RATHER THAN QUARTERLY DISTRIBUTIONS OF THE PROCEEDS FROM THE ABC SYSTEM, with a favorable report.

**H.B. 1659**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING THE USE OF HUNTING STANDS IN PERQUIMANS COUNTY, with a favorable report.

**H.B. 1662** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN CHEROKEE AND CLAY COUNTIES, with a favorable report.

**H.B. 1674** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING FILLING OF VACANCIES IN THE BOARD OF COMMISSIONERS OF THE TOWN OF ZEBULON, with a favorable report.

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**CALENDAR** *(continued)*

**S.J.R. 1443**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF KATHLEEN BRYAN EDWARDS, ONE OF THE STATE'S MOST PROMINENT CITIZENS.

Senator Rand offers a motion that the joint resolution be taken up out of its regular order of business and placed before the Senate for immediate consideration, which motion prevails.

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

**Senator Dorsett:**

“Thank you, Madame President. Every so often, people come along that have a profound affect on the lives of others that they come in contact with and Kathleen Bryan Edwards was such a person. She was especially interested in making her community better for all and she had a very keen interest in helping the poor. She shared and she cared. Kay was a child of fortune, the daughter of Joseph Bryan, a philanthropist. One of the remarkable things, however, about Kay was that she chose to live a quiet life, out of the limelight, while giving generously to many causes. The seventy-five years Kathleen Bryan Edwards spent on this earth were rich and full of accomplishment. She gave freely of her time, her talent and substance. No issue was too big or too small to capture her interest. Her dynamic leadership was sought after by a host of individuals as she served on boards and commissions at the local and national level. She was a participant in the sit-in at Woolworth’s in Greensboro along with the A & T students and she organized the feeding program for the M. L. King peace marches in their march on Washington. Kathleen Edwards’ philanthropic spirit was well known as she demonstrated this gift on numerous occasions. She was a founder of the Greensboro Opera Company and the Greensboro Day School. She was also instrumental in the creation of the endowment at the Greensboro Symphony Orchestra. Additionally, Kay donated ninety-two acres of land to establish a park and a new library in the City of Greensboro. This park is scheduled to open September 10 of this year. Along with other countless awards, Kathleen was the recipient of the Order of the Long Leaf Pine, the State’s highest civilian honor. It was possibly captured best in the Greensboro News & Record when it said that she was the mother of eight, the grandmother of eleven and the benefactor of thousands. For seventy-five years, an angel was in our midst, and now she has simply returned home. I commend the resolution to you.”

**Senator Hagan:**

“I wanted to spend just a few minutes telling this group, my fellow Senators, about Kay Edwards. Yesterday, we recognized the life of Ray Charles. Kay didn’t have that skill and talent that he did, but she used her skill and talents from a philanthropy standpoint to make the arts available to so many of us. Yesterday when I was listening to everybody say such wonderful things about singing, she really helped in my community so much to provide the arts for so many, many people.

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Before I joined the Senate, I spent quite a bit of time fundraising and whenever I would be in an organization and we were looking at names, I always would say, 'I want to go talk to Kay Edwards.' One, because I knew she was always eager to speak and that she usually would support the causes that we were talking to her about. But the second reason is because I was always delighted to be in her presence. She had an incredible wit. She had an incredible history of the community and she really did love to share her thoughts about what was going on and how she could help. Earlier today I spoke to two of her dear friends that she grew up with and spent a lot of time with in Greensboro and they shared several stories with me. One of those is that there's a local high school, Dudley High School. It had an invitation to go to Paris. It was the Dudley High School Band and they didn't have the money to go. Kay, single-handedly, raised the money and found a way for all of these students to go to Paris for a trip they could never have gone on without that support. Another example is, and I think it's mentioned in the resolution, is the Greensboro Urban Ministries when they were opening up a medical clinic. Kay was the one who started the fundraising efforts to be sure that got off the ground. When she got involved in something, you knew it was dear to her and that it would be successful. Back in April of this year, several months ago, I had a fundraiser for a woman's event at my home and Kay was there with some of her children. It was wonderful to talk to her, she looked great, she had a great time and after it was over, that following week she sent me a gorgeous orchid. Nobody does that, y'all. So it was so nice and it's something that for me, every time I see, of course, I think of Kay. The park that's mentioned in the resolution – several years ago it was the Old Jefferson Club, which was part of her family's business. It had hundreds of acres and there was an incredible to do in our community about what was going to happen to that land. It was obviously going to be sold. The question was how was it going to be developed. Was it going to be another residential subdivision, what it was going to be? This went on for a year or more. Kay was the one who said, 'Let's buy ninety-two acres; let's continue having that for the benefit of the people. Let's have a park there.' So we've got this wonderful park now and a library that will be named in her honor. So it is visions and support and the tireless energy of things like this that she was so well known for in our community, and we will dearly miss her and I commend this resolution to you. Thank you."

**Senator Horton:**

"Thank you, Madame President. You've heard about a remarkable person from Senator Dorsett and Senator Hagan. It's also got to be mentioned that she was a lot of fun, enjoyed people, enjoyed having fun, and at the same time was very quietly doing things that Greensboro couldn't do without citizens like her. You've heard about her being a founder of the Symphony, how she founded the Greenhills Center for North Carolina...major regional exercise. She created the endowment for the Greensboro Symphony. You've also heard from Senator Hagan how she was able to put together ninety-two acres of incredibly valuable land for a park for her beloved Greensboro. When you say, 'beloved Greensboro' I think that she was so devoted to her community and how they have benefited from it, she exemplified the concept of ... in its best sense. Her life was devoted to the community and her belief that we

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should not concern ourselves so much with what things are possible in life but what makes life worthwhile. She did that and she is a North Carolina original. I urge your support of the resolution.”

**Senator Foxx:**

“Thank you, Madame President. Ladies and gentlemen, I got to know Kay Edwards through a mutual friend of ours, Father George Closer, who was her priest and he had been a priest in Boone. We were building a child care center at Mayland Community College using all private funds and inmate labor. We were going everywhere we could to raise money, every foundation in the State, and Father Closer suggested I get in touch with Kay. She didn’t know me at all except that George had suggested I talk to her. I called her, and she agreed to see me and I spent a good bit of time talking with her and all of these other things that you all have said about her are so true. She was just a delightful person. She helped make the contribution to Mayland Community College’s childcare center, which had nothing to do with Greensboro and was far away, but she understood the importance of early childhood education and it really wasn’t that hard to explain to her why we needed the help and what we were doing. As I was sitting here thinking about what all of you have said about her, my sense of her is a phrase that somebody gave to me a few years ago. I asked somebody about what people said about me and they said, ‘They say that you have a heightened sense of justice.’ I thought that was one of the nicest things anybody could say and I think that could be said about Kay Edwards. She had a heightened sense of justice and she tried to do the things that were right to help people that were not being helped by others. Thank you very much.”

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

*The President extends the courtesies of the gallery to the family and friends of Kathleen Bryan Edwards; her daughters, Laura Edwards, Susan Edwards, Pricey Harrison and Melanie Taylor; her granddaughters Clay and Margaret Farland; and close friend Alberta Baynes.*

**S.B. 1210** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE TEMPORARY IMPLEMENTATION OF FEDERAL PHASE II STORMWATER MANAGEMENT REQUIREMENTS BY PROVIDING: (1) THAT LOCAL GOVERNMENT APPLICATIONS FOR PHASE II STORMWATER PERMITS THAT WERE SUBMITTED IN ACCORDANCE WITH THE TEMPORARY STORMWATER RULE WILL BE DEEMED TIMELY RECEIVED; (2) STANDARDS FOR THE EVALUATION OF APPLICATIONS FOR PHASE II STORMWATER PERMITS; (3) AN EXEMPTION FROM PHASE II STORMWATER PERMIT REQUIREMENTS FOR CERTAIN SMALL MUNICIPALITIES; (4) THAT NEW DEVELOPMENT AND REDEVELOPMENT LOCATED IN A REGULATED COVERAGE AREA MUST COMPLY WITH THE

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STORMWATER MANAGEMENT RULE; (5) THAT THE ENVIRONMENTAL MANAGEMENT COMMISSION WILL ADMINISTER AND ENFORCE THE STORMWATER MANAGEMENT RULE IN A REGULATED COVERAGE AREA UNLESS A COUNTY VOLUNTARILY UNDERTAKES TO IMPLEMENT A LOCAL STORMWATER MANAGEMENT PROGRAM; (6) FOR THE COORDINATION OF PHASE II STORMWATER MANAGEMENT PROGRAMS AND OTHER EXISTING STATE PROGRAMS THAT REGULATE STORMWATER IN ORDER TO AVOID CONFLICTING, DUPLICATIVE, OR INCONSISTENT STORMWATER MANAGEMENT REQUIREMENTS; (7) THAT A LOCAL GOVERNMENT MAY OPT TO BE COVERED UNDER A GENERAL STORMWATER PERMIT DEVELOPED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; (8) DEADLINES FOR WHEN THE ENVIRONMENTAL MANAGEMENT COMMISSION MUST MAKE CERTAIN PHASE II STORMWATER PERMITTING DECISIONS; (9) DESIGNATION AND PETITION PROCESSES BY WHICH ADDITIONAL LOCAL GOVERNMENTS AND OTHER ENTITIES MAY BE REQUIRED TO OBTAIN A PHASE II STORMWATER PERMIT; (10) FOR THE DEVELOPMENT OF A STORMWATER MODEL ORDINANCE AND STORMWATER DESIGN MANUAL; (11) FOR THE ROLES OF STATE AND LOCAL GOVERNMENTS IN REGULATING THE STORMWATER IMPACTS OF FEDERAL AND STATE PROJECTS; (12) DEFINITIONS OF TERMS TO BE USED IN THE IMPLEMENTATION OF THIS ACT; (13) THAT CERTAIN AGRICULTURE AND FORESTRY ACTIVITIES ARE EXEMPT FROM PHASE II STORMWATER PERMIT REQUIREMENTS; AND (14) HOW THE ACT SHALL BE CONSTRUED, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Senator Clodfelter offers Amendment No. 1.

Senator Horton offers Amendment No. 2 as a substitute amendment for Amendment No. 1.

Senator Horton subsequently withdraws Amendment No. 2.

Amendment No. 1 is adopted (43-3).

The Committee Substitute bill, as amended, passes its second reading (43-4).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, July 1, upon third reading. Upon motion of Senator Clodfelter, Amendment No. 1 is ordered engrossed after second reading.

### CONFERENCE REPORT

Senator Kerr, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1352** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM AND TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND, submits for adoption the following report:

June 30, 2004

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 1352, A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM AND TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND, Committee Substitute Favorable 5/19/04, submit the following report:

The Senate recesses from amendment #1 and amendment #2.

The House and Senate agree to the following amendment to the Committee Substitute Favorable 5/19/04:

Delete the entire House Committee Substitute and substitute the attached Proposed Conference Committee Substitute PCCS H1352-PCCS30569.

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

Date Conferees approved report: June 30, 2004.

*Conferees for the Senate*

S/John H. Kerr, III, Chair  
S/Walter H. Dalton  
S/Linda Garrou  
S/Kay R. Hagan

*Conferees for the House of Representatives*

S/William G. Daughtridge, Jr., Co-Chair  
S/William C. Owens, Jr., Co-Chair  
S/Gordon P. Allen  
S/Rex L. Baker  
S/Jeffrey L. Barnhart  
S/James W. Crawford, Jr.  
S/Carolyn H. Justice  
S/Paul Luebke  
S/David M. Miner  
S/William L. Wainwright

The text of the attached Proposed Conference Committee Substitute, PCCS H1352-PCCS30569, which changes the title, is as follows:

A BILL TO BE ENTITLED  
AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM, TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND, TO APPROPRIATE FUNDS TO THE RURAL ECONOMIC DEVELOPMENT CENTER TO BE USED FOR ECONOMIC INFRASTRUCTURE, AND TO MAKE NECESSARY TRANSITIONAL ADJUSTMENTS TO THE STATE BUDGET.

The General Assembly of North Carolina enacts:

June 30, 2004

**APPROPRIATIONS FOR THE ONE NORTH CAROLINA FUND AND FOR THE NEW AND EXPANDING INDUSTRY PROGRAM**

**SECTION 1.(a)** There is appropriated from the General Fund to the One North Carolina Fund the sum of twenty million dollars (\$20,000,000) for the 2003-2004 fiscal year. Funds that are unexpended and unencumbered as of the end of the fiscal year do not revert to the General Fund but remain available for these purposes. It is the intent of the General Assembly that there be a recurring annual appropriation to the One North Carolina Fund of ten million dollars (\$10,000,000) beginning with the 2006-2007 fiscal year.

**SECTION 1.(b)** Of the funds appropriated in this section to the One North Carolina Fund, the Department of Commerce may use up to three hundred thousand dollars (\$300,000) to cover its expenses in administering the One North Carolina Fund and other economic development incentive grant programs during the 2004-2005 fiscal year.

**SECTION 1.(c)** There is appropriated from the General Fund to the Community Colleges System Office the sum of four million one hundred thousand dollars (\$4,100,000) for the 2003-2004 fiscal year for new and expanding industry training. Funds that are unexpended and unencumbered as of the end of the fiscal year do not revert to the General Fund but remain available for these purposes.

**SECTION 1.(d)** Article 10 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 2H. One North Carolina Fund.

"§ 143B-437.70. Legislative findings and purpose.

The General Assembly finds that:

- (1) It is the policy of the State of North Carolina to stimulate economic activity and to create new jobs for the citizens of the State by encouraging and promoting the retention and expansion of existing business and industry within the State and by recruiting and attracting new business and industry to the State.
- (2) Both short-term and long-term economic trends at the State, national, and international levels have made the successful implementation of the State's economic development policy and programs both more critical and more challenging; and the decline in the State's traditional industries, and the resulting adverse impact upon the State and its citizens, have been exacerbated in recent years by adverse national and State economic trends that contribute to the reduction in the State's industrial base and that inhibit the State's ability to sustain or attract new and expanding businesses.
- (3) The purpose of this Part is to stimulate economic activity and to create new jobs within the State.
- (4) The enactment of this Part will maintain consistency and accountability in a key economic development program and will ensure that the program benefits the State and its citizens.
- (5) Nothing in this Part shall be construed to constitute a guarantee or assumption by the State of any debt of any business or to authorize the taxing power or the full faith and credit of the State to be pledged.

June 30, 2004

**"§ 143B-437.71. One North Carolina Fund established as a nonreverting account.**

(a) Establishment. – The One North Carolina Fund is established as a special revenue fund in the Department of Commerce.

(b) Purposes. – Moneys in the One North Carolina Fund may be allocated only to local governments for use in connection with securing commitments for the recruitment, expansion, or retention of new and existing businesses. Moneys in the One North Carolina Fund shall be used for the following purposes only:

- (1) Installation or purchase of equipment.
- (2) Structural repairs, improvements, or renovations to existing buildings to be used for expansion.
- (3) Construction of or improvements to new or existing water, sewer, gas, or electric utility distribution lines or equipment for existing buildings.
- (4) Construction of or improvements to new or existing water, sewer, gas, or electric utility distribution lines or equipment for new or proposed buildings to be used for manufacturing and industrial operations.
- (5) Any other purposes specifically provided by an act of the General Assembly.

**"§ 143B-437.72. Agreements required; disbursement of funds.**

(a) Agreements Required. – Funds may be disbursed from the One North Carolina Fund only in accordance with agreements entered into between the State and one or more local governments and between the local government and a grantee business.

(b) Company Performance Agreements. – An agreement between a local government and a grantee business must contain the following provisions:

- (1) A commitment to create or retain a specified number of jobs within a specified salary range at a specific location and commitments regarding the time period in which the jobs will be created or retained and the minimum time period for which the jobs must be maintained.
- (2) A commitment to provide proof satisfactory to the local government and the State of new jobs created or existing jobs retained and the salary level of those jobs.
- (3) A provision that funds received under the agreement may be used only for a purpose specified in G.S. 143B-437.71(b).
- (4) A provision allowing the State or the local government to inspect all records of the business that may be used to confirm compliance with the agreement or with the requirements of this Part.
- (5) A provision establishing the method for determining compliance with the agreement.
- (6) A provision establishing a schedule for disbursement of funds under the agreement that allows disbursement of funds only in proportion to the amount of performance completed under the agreement.
- (7) A provision requiring recapture of grant funds if a business subsequently fails to comply with the terms of the agreement.

(8) Any other provision the State or the local government finds necessary to ensure the proper use of State or local funds.

(c) Local Government Grant Agreement. – An agreement between the State and one or more local governments shall contain the following provisions:

(1) A commitment on the part of the local government to match the funds allocated by the State. A local match may include cash, fee waivers, in-kind services, the donation of assets, the provision of infrastructure, or a combination of these.

(2) A provision requiring the local government to recapture any funds to which the local government is entitled under the company performance agreement.

(3) A provision requiring the local government to reimburse the State for any funds improperly disbursed or funds recaptured by the local government.

(4) A provision allowing the State access to all records possessed by the local government necessary to ensure compliance with the company performance agreement and with the requirements of this Part.

(5) A provision establishing a schedule for the disbursement of funds from the One North Carolina Fund to the local government that reflects the disbursement schedule established in the company performance agreement.

(6) Any other provision the State finds necessary to ensure the proper use of State funds.

(d) Disbursement of Funds. – Funds may be disbursed from the One North Carolina Fund to the local government only after the local government has demonstrated that the business has complied with the terms of the company performance agreement. The State shall disburse funds allocated under the One North Carolina Fund to a local government in accordance with the disbursement schedule established in the local government grant agreement.

**"§ 143B-437.73. Program guidelines.**

The Department of Commerce, in conjunction with the Governor's Office, shall develop guidelines related to the administration of the One North Carolina Fund and to the selection of projects to receive allocations from the Fund. At least 20 days before the effective date of any guidelines or nontechnical amendments to guidelines, the Department of Commerce must publish the proposed guidelines on the Department's Web site and provide notice to persons who have requested notice of proposed guidelines. In addition, the Department must accept oral and written comments on the proposed guidelines during the 15 business days beginning on the first day that the Department has completed these notifications. For the purpose of this section, a technical amendment is either of the following:

(1) An amendment that corrects a spelling or grammatical error.

(2) An amendment that makes a clarification based on public comment and could have been anticipated by the public notice that immediately preceded the public comment.

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**"§ 143B-437.74. Reports.**

The Department of Commerce shall publish a report on the use of funds in the One North Carolina Fund at the end of each fiscal quarter. The report shall contain information on the commitment, disbursement, and use of funds allocated under the One North Carolina Fund. The report is due no later than one month after the end of the fiscal quarter and must be submitted to the following:

- (1) The Joint Legislative Commission on Governmental Operations.
- (2) The chairs of the House of Representatives and Senate Finance Committees.
- (3) The chairs of the House of Representatives and Senate Appropriations Committees.
- (4) The Fiscal Research Division of the General Assembly."

**SECTION 1.(e)** G.S. 150B-1(d) is amended by adding a new subdivision to read:

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

- ...
- (13) The Department of Commerce and the Governor's Office in developing guidelines for the One North Carolina Fund under Part 2H of Article 10 of Chapter 143B of the General Statutes."

**SECTION 1.(f)** Program guidelines developed by the Department of Commerce for the One North Carolina Industrial Recruitment Competitive Fund that are in effect when this act becomes effective shall apply to the One North Carolina Fund enacted by this act until guidelines for the One North Carolina Fund are adopted pursuant to G.S. 143B-437.73. Program guidelines for the One North Carolina Fund shall be adopted in accordance with G.S. 143B-437.73 on or before September 1, 2004.

**SECTION 1.(g)** This section becomes effective June 30, 2004. Subsection (d) of this section does not apply to commitments made under the One North Carolina Industrial Recruitment Competitive Fund prior to July 1, 2004.

**APPROPRIATION FOR THE RURAL ECONOMIC DEVELOPMENT CENTER**

**SECTION 2.(a)** There is appropriated from the General Fund to the Rural Economic Development Center, Inc., the sum of twenty million dollars (\$20,000,000) for the 2003-2004 fiscal year to be allocated as follows:

- (1) To establish the North Carolina Infrastructure Program. The purpose of the Program is to provide grants to local governments to construct critical water and wastewater facilities and to provide other infrastructure needs, including technology needs, to sites where these facilities will generate private job-creating investment. At least fifteen million dollars (\$15,000,000) of the funds appropriated in this section must be used to provide grants under this Program.
- (2) To provide matching grants to local governments in distressed areas and equity investments in public-private ventures that will productively reuse vacant buildings, with priority given to towns with a population of less than 5,000.
- (3) To provide research and demonstration grants.

June 30, 2004

**SECTION 2.(b)** The Rural Economic Development Center, Inc., may contract with other State agencies, constituent institutions of The University of North Carolina, and colleges within the North Carolina Community College System for certain aspects of the program, including design of program guidelines and evaluation of program results.

**SECTION 2.(c)** The Rural Economic Development Center, Inc., may use up to four percent (4%) of the funds appropriated by this act to cover its expenses in administering the North Carolina Economic Infrastructure Program.

**SECTION 2.(d)** The Rural Economic Development Center, Inc., shall report annually to the Joint Legislative Commission on Governmental Operations concerning the progress of the North Carolina Economic Infrastructure Program. It must make its initial report on the program no later than January 15, 2005.

**SECTION 2.(e)** The General Fund Availability Statement for the 2003-2005 fiscal biennium, as enacted in Section 2.2(a) of S.L. 2003-284, does not reflect the additional General Fund revenue collections in the amount of two hundred thirty-five million one hundred thousand dollars (\$235,100,000) for the 2003-2004 fiscal year.

**SECTION 2.(f)** This section becomes effective June 30, 2004.

#### **APPROPRIATION TO REPAY DEBT TO THE RETIREMENT SYSTEM**

**SECTION 3.(a)** There is appropriated from the General Fund to the Teachers' and State Employees' Retirement System Fund the sum of twenty million dollars (\$20,000,000) for the 2003-2004 fiscal year to partially pay back the debt owed to the Fund.

**SECTION 3.(b)** This section becomes effective June 30, 2004.

#### **DIRECTIONS AND LIMITATIONS ON EXPENDITURES OF STATE FUNDS**

**SECTION 4.(a)** The appropriations and the authorizations to allocate and spend funds, which are set out in this act, shall remain in effect until the Current Operations and Capital Improvements Appropriations Act of 2004 becomes law, at which time that act shall become effective and shall govern appropriations and expenditures. When the Current Operations and Capital Improvements Appropriations Act of 2004 becomes law, the Director of the Budget shall adjust allocations to give effect to that act from July 1, 2004.

Except as otherwise provided by this act, the limitations and directions for the 2003-2004 fiscal year in S.L. 2003-283 and S.L. 2003-284 remain in effect. Session laws that applied to appropriations to particular agencies or for particular purposes apply to the funds appropriated and authorized for expenditure under this act.

**SECTION 4.(b)** If the provisions of (i) House Bill 1414, 3rd Edition, of the 2004 Regular Session of the General Assembly, (ii) House Bill 1414, 6<sup>th</sup> Edition, of the 2004 Regular Session of the General Assembly, or (iii) both, direct that funds shall not revert, the funds shall not revert on June 30, 2004. Unless these funds are encumbered on or before June 30, 2004, these funds shall not be expended after June 30, 2004, except as provided by a statute that becomes effective after June 30, 2004.

**SECTION 4.(c)** Subsection (b) of this section becomes effective June 30, 2004.

June 30, 2004

**BLOCK GRANT PROVISIONS**

**SECTION 5.** The Director of the Budget shall continue to allocate federal block grant funds at the levels provided in Sections 5.1 and 5.2 of S.L. 2003-284 and as otherwise provided by law, and appropriations from federal block grants are hereby made.

**CASH BALANCES, FEDERAL RECEIPTS, AND DEPARTMENTAL RECEIPTS**

**SECTION 6.** There is appropriated out of the cash balances, federal receipts, and departmental receipts available to each department, sufficient amounts to carry on authorized activities included under each department's operations. All these cash balances, federal receipts, and departmental receipts shall be expended and reported in accordance with provisions of the Executive Budget Act, except as otherwise provided by statute, and shall be expended at the level of service authorized by the General Assembly. If the receipts, other than gifts and grants that are unanticipated and are for a specific purpose only, collected in a fiscal year by an institution, department, or agency exceed the receipts certified for it in General Fund Codes or Highway Fund Codes, then the Director of the Budget shall decrease the amount he allots to that institution, department, or agency from appropriations from that Fund by the amount of the excess, unless the Director of the Budget finds that the appropriations from the Fund are necessary to maintain the function that generated the receipts at the level anticipated in the certified budget codes for that Fund.

Funds that become available from overrealized receipts in General Fund Codes and Highway Fund Codes may be used for new permanent employee positions or to raise the salary of existing employees only as follows:

- (1) As provided in G.S. 116-30.1, 116-30.2, 116-30.3, 116-30.4; or
- (2) If the Director of the Budget finds that the new permanent employee positions are necessary to maintain the function that generated the receipts at the level anticipated in the certified budget codes for that Fund. The Director of the Budget shall notify the President Pro Tempore of the Senate, the Speakers of the House of Representatives, the Chairs of the Appropriations Committees of the Senate and the House of Representatives, and the Fiscal Research Division of the Legislative Services Office that he intends to make such a finding at least 10 days before he makes the finding. The notification shall set out the reason the positions are necessary to maintain the function.

The Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office within 30 days after the end of each quarter the General Fund Codes or Highway Fund Codes that did not result in a corresponding reduced allotment from appropriations from that Fund.

**NO AUTOMATIC STEP INCREASES FOR STATE AND PUBLIC SCHOOL EMPLOYEES**

June 30, 2004



**SECTION 7.** State employees subject to G.S. 7A-102(c), 7A-171.1, or 20-187.3 shall not move up on salary schedules or receive automatic increases, including automatic step increases, until authorized by the General Assembly.

Public school employees paid on the teacher salary schedule or the school-based administrator salary schedule shall not move up on salary schedules or receive automatic step increases until authorized by the General Assembly.

**STATE CONTROLLER SHALL NOT TRANSFER FUNDS ON JUNE 30**

**SECTION 8.(a)** Notwithstanding G.S. 143-15.2 and G.S.143-15.3, for the 2003-2004 fiscal year only, funds shall not be reserved to the Savings Reserve Account, and the State Controller shall not transfer funds from the unreserved credit balance to the Savings Reserve Account on June 30, 2004.

**SECTION 8.(b)** Notwithstanding G.S. 143-15.2 and G.S. 143-15.3A, for the 2003-2004 fiscal year only, funds shall not be reserved to the Repairs and Renovations Reserve Account, and the State Controller shall not transfer funds from the unreserved credit balance to the Repairs and Renovations Reserve Account on June 30, 2004.

**SECTION 8.(c)** This section becomes effective June 30, 2004.

**EFFECTIVE DATE**

**SECTION 9.** Except as otherwise provided in this act, this act becomes effective July 1, 2004. Sections 4 through 8 of this act expire July 9, 2004.

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed on today's Calendar.

**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:**

**H.B. 1349**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN COLUMBUS COUNTY AND FOR TRAPPING FOXES IN PITT 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 50439, which changes the title to read **H.B. 1349** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN COLUMBUS COUNTY, is adopted and engrossed.

**H.B. 1728** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LAKE ROYALE POLICE DEPARTMENT TO ENFORCE THE LAW ON THE WATERS OF LAKE ROYALE AND TO COMPETE FOR GRANTS FOR THE PURCHASE OF LAW ENFORCEMENT EQUIPMENT, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

June 30, 2004

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70489, is adopted and engrossed.

The Senate recesses at 3:30 P.M. for the purpose of a **Pensions & Retirement and Aging Committee** meeting to reconvene at 3:45 P.M.

### RECESS

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

### REPORTS OF COMMITTEES

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

By Senator Hagan for the **Pensions & Retirement and Aging Committee**:

**H.B. 1478**, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE LAW CLARIFYING THE STATUS OF TEACHERS PARTICIPATING IN FOREIGN EXCHANGE PROGRAMS FOR PURPOSES OF RETIREMENT AND TENURE, with a favorable report.

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

**H.B. 1668**, A BILL TO BE ENTITLED AN ACT TO AMEND THE ACT ESTABLISHING THE SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN IN THE CITY OF WILSON, with a favorable report.

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

### CALENDAR *(continued)*

**S.B. 582** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE PUBLIC HEALTH PREPAREDNESS AND RESPONSE.

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.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hagan for the **Pensions & Retirement and Aging Committee**:

June 30, 2004



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

June 30, 2004

The President and Members of the Senate  
North Carolina General Assembly  
State Legislative Building  
Raleigh, North Carolina 27601

Dear Madam President and Members of the Senate:

In compliance with the provisions of G.S. 135-6 requiring appointees to the Board of Trustees of the North Carolina Teachers' and State Employees' Retirement System to be confirmed by the Senate, Governor Easley has submitted his appointees, Mr. Harold Keen and the reappointment of Mr. Leslie LeRoy Pittman and Mr. Paschal W. Swann for confirmation. Their terms are effective immediately upon confirmation. The terms of Mr. Keen, Mr. Pittman and Mr. Swann will expire March 31, 2008.

The Senate Committee on Pensions & Retirement and Aging has considered the appointments and makes the following recommendation to the Senate:

That the appointment of Mr. Harold Keen to the Board of Trustees of the Teachers' and State Employees' Retirement System beginning immediately and expiring on March 31, 2008, be confirmed. That the reappointment of Mr. *Leslie* LeRoy Pittman and Mr. Paschal W. Swann to the Board of Trustees of the Teachers' and State Employees' Retirement System beginning immediately and expiring on March 31, 2008, be confirmed.

Respectfully submitted,

A handwritten signature in black ink that reads "Kay R. Hagan".

Kay R. Hagan

Upon motion of Senator Hagan, the appointment of Harold Keen, and the reappointment of Leslie LeRoy Pittman and Paschal W. Swann, to the Board of Trustees of the Teachers' and State Employees' Retirement System are confirmed (47-0).

June 30, 2004

**CALENDAR** *(continued)*

**H.B. 1668**, A BILL TO BE ENTITLED AN ACT TO AMEND THE ACT ESTABLISHING THE SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN IN THE CITY OF WILSON, placed earlier on today's Calendar.

The bill passes its second (47-0) and third readings and is ordered enrolled.

**H.B. 1478**, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE LAW CLARIFYING THE STATUS OF TEACHERS PARTICIPATING IN FOREIGN EXCHANGE PROGRAMS FOR PURPOSES OF RETIREMENT AND TENURE, placed earlier on today's Calendar.

The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

**H.B. 1352** (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM, TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND, TO APPROPRIATE FUNDS TO THE RURAL ECONOMIC DEVELOPMENT CENTER TO BE USED FOR ECONOMIC INFRASTRUCTURE, AND TO MAKE NECESSARY TRANSITIONAL ADJUSTMENTS TO THE STATE BUDGET, placed earlier on today's Calendar.

Upon motion of Senator Kerr, the Senate adopts the Conference Report (30-15).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

**WITHDRAWAL FROM CALENDAR**

**S.B. 1210** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE TEMPORARY IMPLEMENTATION OF FEDERAL PHASE II STORMWATER MANAGEMENT REQUIREMENTS BY PROVIDING: (1) THAT LOCAL GOVERNMENT APPLICATIONS FOR PHASE II STORMWATER PERMITS THAT WERE SUBMITTED IN ACCORDANCE WITH THE TEMPORARY STORMWATER RULE WILL BE DEEMED TIMELY RECEIVED; (2) STANDARDS FOR THE EVALUATION OF APPLICATIONS FOR PHASE II STORMWATER PERMITS; (3) AN EXEMPTION FROM PHASE II STORMWATER PERMIT REQUIREMENTS FOR CERTAIN SMALL MUNICIPALITIES; (4) THAT NEW DEVELOPMENT AND REDEVELOPMENT LOCATED IN A REGULATED COVERAGE AREA MUST COMPLY WITH THE STORMWATER MANAGEMENT RULE; (5) THAT THE ENVIRONMENTAL MANAGEMENT COMMISSION WILL ADMINISTER AND ENFORCE THE STORMWATER MANAGEMENT RULE IN A REGULATED COVERAGE AREA UNLESS A COUNTY VOLUNTARILY UNDERTAKES TO IMPLEMENT A LOCAL STORMWATER MANAGEMENT PROGRAM; (6) FOR THE COORDINATION OF PHASE II STORMWATER MANAGEMENT PROGRAMS AND OTHER EXISTING STATE PROGRAMS THAT REGULATE

June 30, 2004

STORMWATER IN ORDER TO AVOID CONFLICTING, DUPLICATIVE, OR INCONSISTENT STORMWATER MANAGEMENT REQUIREMENTS; (7) THAT A LOCAL GOVERNMENT MAY OPT TO BE COVERED UNDER A GENERAL STORMWATER PERMIT DEVELOPED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; (8) DEADLINES FOR WHEN THE ENVIRONMENTAL MANAGEMENT COMMISSION MUST MAKE CERTAIN PHASE II STORMWATER PERMITTING DECISIONS; (9) DESIGNATION AND PETITION PROCESSES BY WHICH ADDITIONAL LOCAL GOVERNMENTS AND OTHER ENTITIES MAY BE REQUIRED TO OBTAIN A PHASE II STORMWATER PERMIT; (10) FOR THE DEVELOPMENT OF A STORMWATER MODEL ORDINANCE AND STORMWATER DESIGN MANUAL; (11) FOR THE ROLES OF STATE AND LOCAL GOVERNMENTS IN REGULATING THE STORMWATER IMPACTS OF FEDERAL AND STATE PROJECTS; (12) DEFINITIONS OF TERMS TO BE USED IN THE IMPLEMENTATION OF THIS ACT; (13) THAT CERTAIN AGRICULTURE AND FORESTRY ACTIVITIES ARE EXEMPT FROM PHASE II STORMWATER PERMIT REQUIREMENTS; AND (14) HOW THE ACT SHALL BE CONSTRUED, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Senator Webster withdraws his objection to third reading of S. B. 1210, and upon motion of Senator Rand, the Committee Substitute bill is withdrawn from the Calendar of July 1 and placed on today's Calendar.

The Committee Substitute bill passes its third reading (45-1) and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Basnight, seconded by Senator Soles, the Senate adjourns in thoughtful prayer for Senator Weinstein and Mrs. Karen Weinstein at 4:33 P.M. subject to ratification of bills and receipt of messages from the House of Representatives and reading of executive orders, to meet tomorrow, July 1, 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. 1201** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY IN ROBESON COUNTY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 1 for concurrence in the House Committee Substitute bill.

**S.B. 1167** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAWS ON THE POWERS OF CONDOMINIUM UNIT OWNERS' ASSOCIATIONS AND PLANNED COMMUNITY OWNERS' ASSOCIATIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO PERMIT ELECTRONIC NOTICES OF OWNERS' ASSOCIATION MEETINGS, TO AMEND THE SECRET PEEPING STATUTE, AND TO MAKE CONFORMING CHANGES, for concurrence in the House Committee Substitute bill.

June 30, 2004

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 1 for concurrence in the House Committee Substitute bill.

**H.B. 1453**, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS F FELONY TO DISCHARGE A FIREARM ON EDUCATIONAL PROPERTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE.

Referred to the **Judiciary II Committee**.

**H.B. 1699**, 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 the **Finance Committee**.

**H.B. 1737** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF WINSTON-SALEM AND REIDSVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

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

**H.B. 1795** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUTHORIZATION FOR SPECIAL INDEBTEDNESS FOR YOUTH DEVELOPMENT CENTERS.

Referred to the **Finance Committee**.

#### **EXECUTIVE ORDER**

An Executive Order received is presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows (*See Appendix*):

**Executive Order Number 60**, Service contracts shall be awarded in the best interest of the State.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

House of Representatives  
June 30, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 1352** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM, TO

June 30, 2004

CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND, TO APPROPRIATE FUNDS TO THE RURAL ECONOMIC DEVELOPMENT CENTER TO BE USED FOR ECONOMIC INFRASTRUCTURE, AND TO MAKE NECESSARY TRANSITIONAL ADJUSTMENTS TO THE STATE BUDGET.

Pursuant to your message that you have adopted the report of the Conferees, we will order the bill enrolled.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

#### ENROLLED BILLS

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

**H.B. 1352**, AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM, TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND, TO APPROPRIATE FUNDS TO THE RURAL ECONOMIC DEVELOPMENT CENTER TO BE USED FOR ECONOMIC INFRASTRUCTURE, AND TO MAKE NECESSARY TRANSITIONAL ADJUSTMENTS TO THE STATE BUDGET.

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

**H.B. 224**, AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF KANNAPOLIS, TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF MOUNT PLEASANT, AND TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF MIDLAND.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 6:02 P.M.

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#### ONE HUNDRED THIRTY-SEVENTH DAY

Senate Chamber  
Thursday, July 1, 2004

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:

July 1, 2004

"Almighty God, some days in a legislative session create a whirlwind of activity, last minute negotiated decisions and meetings that extend into the night.

"When that occurs, You will be here to bring order out of the chaos. If minds need making up, You who made our minds can show us how to do that. If minds need changing, You can work that miracle too.

"So we thank you for Your presence and promise in the storm of activity and the quiet that follows.

"This morning we also pray for Senator Weinstein and his wife. They face a personal storm awaiting medical analysis of Mrs. Weinstein's condition. Give them Your peace, strength and courage for what lies ahead. Amen."

The Chair grants leaves of absence for today to Senator Carrington, Senator Hoyle, Senator Reeves and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, 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 Mary Lou Ware from Kings Mountain, 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. 582**, AN ACT TO IMPROVE PUBLIC HEALTH PREPAREDNESS AND RESPONSE.

**S.B. 1086**, AN ACT TO AUTHORIZE REAR HIGH MOUNTED FLASHING DECELERATION LAMPS ON PUBLIC TRANSIT VEHICLES.

**H.B. 1478**, AN ACT TO MAKE A TECHNICAL CORRECTION TO THE LAW CLARIFYING THE STATUS OF TEACHERS PARTICIPATING IN FOREIGN EXCHANGE PROGRAMS FOR PURPOSES OF RETIREMENT AND TENURE.

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

**H.B. 1668**, AN ACT TO AMEND THE ACT ESTABLISHING THE SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN IN THE CITY OF WILSON.

**S.J.R. 1443**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF KATHLEEN BRYAN EDWARDS, ONE OF THE STATE'S MOST PROMINENT CITIZENS. (Res. 2004-8)

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**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 Hoyle:

**S.J.R. 1444**, A JOINT RESOLUTION HONORING THE MEMORY OF DR. GIL WYLIE ON THE 100TH ANNIVERSARY OF LAKE WYLIE.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on today's Calendar.

**CALENDAR**

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

**H.B. 1349** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN COLUMBUS COUNTY.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 6.

**H.B. 1462**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF SEVEN DEVILS TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 6.

**H.B. 1589** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CODIFYING THE METHOD OF ELECTING THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS AS ORDERED BY THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 6.

**H.B. 1613** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW IN CHOWAN COUNTY REGULATING HUNTING ON PRIVATE LAND, TO REGULATE THE DISCHARGE OF A CENTER-FIRE RIFLE IN CHOWAN COUNTY, AND TO ADD CHOWAN AND ANSON COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 6.

**H.B. 1614**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LENOIR COUNTY ABC BOARD MAY MAKE ANNUAL RATHER THAN QUARTERLY DISTRIBUTIONS OF THE PROCEEDS FROM THE ABC SYSTEM.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 6.

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**H.B. 1659**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING THE USE OF HUNTING STANDS IN PERQUIMANS COUNTY.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 6.

**H.B. 1662** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN CHEROKEE AND CLAY COUNTIES.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 6.

**H.B. 1674** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING FILLING OF VACANCIES IN THE BOARD OF COMMISSIONERS OF THE TOWN OF ZEBULON.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 6.

**H.B. 1728** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LAKE ROYALE POLICE DEPARTMENT TO ENFORCE THE LAW ON THE WATERS OF LAKE ROYALE AND TO COMPETE FOR GRANTS FOR THE PURCHASE OF LAW ENFORCEMENT EQUIPMENT.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 6.

**H.B. 965** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PENALTIES FOR PERSONS WHO CAUSE SERIOUS BODILY INJURY WHEN FAILING TO YIELD THE RIGHT-OF-WAY UNDER CERTAIN CIRCUMSTANCES; TO CLARIFY WHEN A PEDESTRIAN HAS THE RIGHT-OF-WAY AT AN INTERSECTION WHERE TRAFFIC IS ALLOWED TO TURN RIGHT ON A RED LIGHT, TO INCREASE THE PENALTY FOR FAILURE TO YIELD THE RIGHT-OF-WAY TO A PEDESTRIAN WHEN TURNING RIGHT AT A RED LIGHT; TO INCREASE THE DRIVERS LICENSE POINTS ASSESSED FOR FAILURE TO YIELD THE RIGHT-OF-WAY TO A BICYCLE, MOTOR SCOOTER, MOTORCYCLE, OR PEDESTRIAN; AND TO COLLECT DATA REGARDING PEDESTRIAN ACCIDENTS WHERE VEHICLES ARE TURNING RIGHT AT A RED LIGHT.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 6.

**H.B. 1449** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 6.

**H.B. 1469** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO INITIATE OR CONTINUE CERTAIN DISEASE MANAGEMENT ACTIVITIES,

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AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE RISING COST OF HEALTH CARE.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 6.

**H.B. 1518** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING A PERSON TO PAY ANY OUTSTANDING RESTITUTION ORDERS PRIOR TO THE EXPUNCTION OF THE PERSON'S CRIMINAL RECORD.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 6.

**S.B. 1201** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY IN ROBESON COUNTY, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Kinnaird, the Senate concurs in the House Committee Substitute bill (43-0) and the measure is ordered enrolled.

**S.B. 1167** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAWS ON THE POWERS OF CONDOMINIUM UNIT OWNERS' ASSOCIATIONS AND PLANNED COMMUNITY OWNERS' ASSOCIATIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO PERMIT ELECTRONIC NOTICES OF OWNERS' ASSOCIATION MEETINGS, TO AMEND THE SECRET PEEPING STATUTE, AND TO MAKE CONFORMING CHANGES, 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.

#### 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. 486** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURANCE COMPANIES FROM USING CUSTOMER INQUIRIES TO TERMINATE A POLICY, TO REFUSE TO ISSUE OR RENEW A POLICY, OR TO SUBJECT A POLICY TO CONSENT TO RATE, with a favorable report as to concurrence.

Upon motion of Senator Soles, the bill is placed on the Calendar for Tuesday, July 6, for concurrence in the House Committee Substitute bill No. 2.

#### CALENDAR *(continued)*

**S.J.R. 1444**, A JOINT RESOLUTION HONORING THE MEMORY OF DR. GIL WYLIE ON THE 100TH ANNIVERSARY OF LAKE WYLIE, placed earlier on today's Calendar.

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The joint resolution passes its second (44-0) and third readings and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Basnight, seconded by Senator Dalton, the Senate adjourns at 10:29 A.M. subject to receipt of committee reports and messages from the House of Representatives, to meet tomorrow, Friday, July 2, at 9:00 A.M.

### **SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

**H.B. 1344** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HIGHWAY TRUST FUND TO DEFINE THE INTRASTATE HIGHWAY SYSTEM OF THE STATE AND TO MAKE THE INTRASTATE SYSTEM ELIGIBLE FOR HIGHWAY TRUST FUND FUNDS.

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

**H.B. 1636** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX CREDITS FOR DISPENSING AND PROCESSING RENEWABLE FUELS.

Referred to the **Finance Committee**.

**H.B. 1760** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PUBLICATION, MONITORING, AND REPORTING ON ECONOMIC DEVELOPMENT INCENTIVE CLAWBACKS AND TO PROVIDE FOR FIRST SOURCE HIRING AGREEMENTS FOR INCENTIVE GRANTS AND LOANS.

Referred to the **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 Clodfelter for the **Judiciary I 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, 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 60518, which changes the title to read **H.B. 1139** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TERMINATE AS A MATTER OF LAW CERTAIN PARENTAL RIGHTS OF A PERSON CONVICTED OF CERTAIN CRIMES THAT RESULT IN THE VICTIM BECOMING PREGNANT, TO PROVIDE FOR OPEN DISCOVERY IN ALL FELONY CASES, AND TO MAKE CERTAIN OTHER AMENDMENTS TO THE LAWS REGARDING DISCOVERY IN CRIMINAL CASES, is adopted and engrossed.

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Upon motion of Senator Clodfelter, the Committee Substitute bill is placed on the Calendar for Tuesday, July 6.

By Senator Kerr for the **Finance 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, 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 10325, which changes the title to read **H.B. 356** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF THE NORTH CAROLINA STATE BAR CONCERNING PARALEGALS AND FEES RELATING TO CERTIFICATION AND TO EXTEND THE SUNSET OF THE INDUSTRIAL COMMISSION FEE EARMARKED FOR INFORMATION TECHNOLOGY, is adopted and engrossed.

Upon motion of Senator Kerr, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, July 6.

By Senator Soles for the **Commerce Committee**:

**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, 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 70491, is adopted and engrossed.

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

The Senate Committee Substitute bill is placed on the Calendar for Tuesday, July 6.

**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, 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 30570, which changes the title to read **H.B. 1107** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CIVIL LIABILITY AND INCREASE THE CRIMINAL PENALTY FOR PERSONS WHO REPRESENT

July 1, 2004

UNAUTHORIZED INSURERS AND TO PROVIDE THAT SUCH ACTIVITY IS GROUNDS FOR REVOCATION OF THE LICENSE OF THE INSURANCE AGENT OR BROKER; AND TO LIMIT DIRECT PROCUREMENT OF INSURANCE ONLY THROUGH ELIGIBLE SURPLUS LINES INSURERS, is adopted and engrossed.

Upon motion of Senator Soles, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, July 6.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:36 P.M.

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### ONE HUNDRED THIRTY-EIGHTH DAY

Senate Chamber  
Friday, July 2, 2004

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, Judge of the nations, we remember before You with grateful hearts the men and women of our country who in the day of decision ventured much for the liberties we now enjoy. Grant that we may not rest until all the people of this land share the benefits of true freedom and gladly accept its disciplines. This we ask in the Name of Jesus Christ our Lord. Amen."

*\*From the Episcopal Book of Common Prayer*

Senator Dalton, announces that the Journal of Thursday, July 1, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

### 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. 224**, AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CITY OF KANNAPOLIS, TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF MOUNT PLEASANT, AND TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE TOWN OF MIDLAND. (Became law upon ratification, June 30, 2004 - S.L. 2004-39.)

July 2, 2004

**H.B. 1475**, AN ACT TO ANNEX THE ALBEMARLE CORRECTIONAL INSTITUTION TO THE TOWN OF BADIN. (Became law upon ratification, June 30, 2004 - S.L. 2004-40.)

**H.B. 1484**, AN ACT TO CLARIFY THE SCHEDULE FOR ELECTION OF THE MERGED SCHOOL BOARD FOR CLEVELAND COUNTY, AS RECOMMENDED BY THE STATE BOARD OF ELECTIONS. (Became law upon ratification, June 30, 2004 - S.L. 2004-41.)

**H.B. 1593**, AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE TOWN OF SWANSBORO. (Became law upon ratification, June 30, 2004 - S.L. 2004-42.)

**H.B. 1678**, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NORWOOD. (Became law upon ratification, June 30, 2004 - S.L. 2004-43.)

**H.B. 1684**, AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN VANCE COUNTY. (Became law upon ratification, June 30, 2004 - S.L. 2004-44.)

**H.B. 1722**, AN ACT TO INCREASE THE MEMBERSHIP OF THE CURRITUCK ALCOHOLIC BEVERAGE CONTROL BOARD FROM THREE TO FIVE MEMBERS. (Became law upon ratification, June 30, 2004 - S.L. 2004-45.)

**H.B. 1724**, AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT AND PITT COUNTIES. (Became law upon ratification, June 30, 2004 - S.L. 2004-46.)

**H.B. 1732**, AN ACT TO CLARIFY THE WARD BOUNDARIES OF THE CITY OF SOUTHPORT TO REFLECT RECENT ANNEXATIONS. (Became law upon ratification, June 30, 2004 - S.L. 2004-47.)

**S.B. 1219**, AN ACT TO INCREASE THE PERCENTAGE OF REVENUE CREDITED TO THE DRY-CLEANING SOLVENT CLEANUP FUND THAT MAY BE USED TO PAY COSTS OF ASSESSMENT OR REMEDIATION OF DRY-CLEANING SOLVENT CONTAMINATION THAT OCCURRED PRIOR TO 1 JULY 2001, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, July 1, 2004 - S.L. 2004-48.)

**S.B. 1159**, AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS. (Became law upon approval of the Governor, July 1, 2004 - S.L. 2004-49.)

**H.B. 1668**, AN ACT TO AMEND THE ACT ESTABLISHING THE SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN IN THE CITY OF WILSON. (Became law upon ratification, July 1, 2004 - S.L. 2004-50.)

July 2, 2004

**SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

House of Representatives  
July 1, 2004

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 230**, 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, and requests conferees, Speaker Morgan appoints:

Representative Bordsen, Chair  
Representative Goodwin  
Representative Moore, and  
Representative Stam

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

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

**H.B. 1393** (Committee Substitute), 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 AND TO DIRECT THE DIVISION OF MARINE FISHERIES TO REPORT ON THE PROVISIONS AND IMPLEMENTATION OF ANY JOINT ENFORCEMENT AGREEMENT WITH THE NATIONAL MARINE FISHERIES SERVICE.

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

**H.B. 1665** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DISPOSITIONAL HEARING OF A JUVENILE WHO IS IN RESIDENTIAL TREATMENT BE HELD IN THE COUNTY IN WHICH THE JUVENILE IS RECEIVING TREATMENT.

Referred to the **Judiciary II Committee**.

**H.J.R. 1807**, A JOINT RESOLUTION HONORING THE FOUNDERS OF DUKE POWER ON THE COMPANY'S 100TH ANNIVERSARY.

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

July 2, 2004



**WITHDRAWAL FROM COMMITTEE**

**H.B. 1345**, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES, referred to the **Rules and Operations of the Senate Committee** on June 16, 2004.

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**.

Upon motion of Senator Garrou, seconded by Senator Dalton, the Senate adjourns at 9:05 A.M. to meet Tuesday, July 6, at 2:00 P.M.

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**ONE HUNDRED THIRTY-NINTH DAY**

Senate Chamber  
Tuesday, July 6, 2004

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, at the beginning of what might be the final week in the Senate, the members know what's on the agenda and how to navigate the final decisions that are yet to be made.

"But in truth, we have Senator Weinstein on our minds and hearts today. The unexpected death of Mrs. Weinstein grieves all of us in the Senate family. Though deeply saddened by her death, let us be grateful for the lessons she taught us about courage and optimism and grace in the face of a formidable foe. Let us live our lives so bravely. Through our support and Your presence we pray that Senator Weinstein's capsized spirit might be soon restored. Amen."

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

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Friday, July 2, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The President of the Senate extends courtesies of the floor to Dr. John W. Mann from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day, and to Clydia Jackson from Garner, North Carolina, who is serving the Senate as Nurse of the Day.*

July 6, 2004

**ENROLLED BILLS**

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

**S.B. 1092**, AN ACT TO ESTABLISH THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMPACT.

**S.B. 1167**, AN ACT TO CLARIFY THE LAWS ON THE POWERS OF CONDOMINIUM UNIT OWNERS' ASSOCIATIONS AND PLANNED COMMUNITY OWNERS' ASSOCIATIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO PERMIT ELECTRONIC NOTICES OF OWNERS' ASSOCIATION MEETINGS, TO AMEND THE SECRET PEEPIING STATUTE, AND TO MAKE CONFORMING CHANGES.

**H.B. 918**, AN ACT TO INCREASE THE FEE FOR SERVICE OF PROCESS IN CIVIL CASES AND TO EARMARK THE INCREASE TO ENSURE TIMELY SERVICE OF PROCESS.

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

**S.B. 1178**, AN ACT ABOLISHING THE OFFICE OF CORONER IN WILKES COUNTY.

**S.B. 1201**, AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY IN ROBESON COUNTY.

**S.B. 1233**, AN ACT TO AUTHORIZE THE TOWN OF PINEBLUFF TO CONVEY TO ADJACENT PROPERTY OWNERS TROLLEY EASEMENTS AT PRIVATE NEGOTIATED SALE.

**S.B. 1277**, AN ACT PROVIDING FOR STAGGERED TERMS FOR THE TOWN BOARD OF THE TOWN OF MADISON.

**S.B. 1279**, AN ACT TO ALLOW THE ROCKINGHAM COUNTY BOARD OF COMMISSIONERS TO CONTRACT WITH BOTH THE TOWN OF MAYODAN FIRE DEPARTMENT AND THE TOWN OF MADISON FIRE DEPARTMENT TO PROVIDE FIRE PROTECTION SERVICES IN THE M & M FIRE DISTRICT.

**H.B. 1369**, AN ACT TO PROVIDE THAT THE WESTERN BOUNDARY OF THE TOWN OF EMERALD ISLE EXTENDS TO THE BOGUE INLET CHANNEL AS IT FLUCTUATES OVER TIME TO ALLOW ALL UPLAND AREAS CONNECTED TO BOGUE BANKS ON THE WESTERN END OF THE ISLAND TO BE IN THE TOWN LIMITS AND TO ANNEX CERTAIN DESCRIBED TERRITORY INTO THE TOWN OF MIDLAND.

**H.B. 1385**, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR VARIOUS MUNICIPALITIES.

July 6, 2004

**REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Purcell for the **Health and Human Resources Committee**:

**S.B. 444** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT EDUCATIONAL MATERIALS ARE PROVIDED SO THAT SCHOOLS PROVIDE INFORMATION TO PARENTS AND GUARDIANS CONCERNING MENINGOCOCCAL MENINGITIS AND INFLUENZA AND THEIR VACCINES, with a favorable report as to concurrence.

**CALENDAR**

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

**S.B. 1060**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, 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, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and White—46.

Voting in the negative: None.

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

**S.B. 1181**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE ALLEGHANY OCCUPANCY TAX, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and White—47.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Wednesday, July 7, upon third reading.

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

**H.B. 1152** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY DISCLOSURE OF MOTOR VEHICLE TOTAL LOSS CLAIMS.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, July 7.

July 6, 2004

**H.B. 1349** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN COLUMBUS COUNTY.

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. 1462**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF SEVEN DEVILS TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES.

The bill passes its second (47-0) and third readings and is ordered enrolled.

**H.B. 1589** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CODIFYING THE METHOD OF ELECTING THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS AS ORDERED BY THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled.

**H.B. 1613** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW IN CHOWAN COUNTY REGULATING HUNTING ON PRIVATE LAND, TO REGULATE THE DISCHARGE OF A CENTER-FIRE RIFLE IN CHOWAN COUNTY, AND TO ADD CHOWAN AND ANSON COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled.

**H.B. 1614**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LENOIR COUNTY ABC BOARD MAY MAKE ANNUAL RATHER THAN QUARTERLY DISTRIBUTIONS OF THE PROCEEDS FROM THE ABC SYSTEM.

The bill passes its second (47-0) and third readings and is ordered enrolled.

**H.B. 1659**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING THE USE OF HUNTING STANDS IN PERQUIMANS COUNTY.

The bill passes its second (47-0) and third readings and is ordered enrolled.

**H.B. 1662** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN CHEROKEE AND CLAY COUNTIES.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled.

**H.B. 1674** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING FILLING OF VACANCIES IN THE BOARD OF COMMISSIONERS OF THE TOWN OF ZEBULON.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled.

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**H.B. 1728** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LAKE ROYALE POLICE DEPARTMENT TO ENFORCE THE LAW ON THE WATERS OF LAKE ROYALE AND TO COMPETE FOR GRANTS FOR THE PURCHASE OF LAW ENFORCEMENT EQUIPMENT.

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. 1449** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Judiciary I Committee**.

**H.B. 356** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF THE NORTH CAROLINA STATE BAR CONCERNING PARALEGALS AND FEES RELATING TO CERTIFICATION AND TO EXTEND THE SUNSET OF THE INDUSTRIAL COMMISSION FEE EARMARKED FOR INFORMATION TECHNOLOGY.

Upon motion of Senator Rand, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

**H.B. 965** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PENALTIES FOR PERSONS WHO CAUSE SERIOUS BODILY INJURY WHEN FAILING TO YIELD THE RIGHT-OF-WAY UNDER CERTAIN CIRCUMSTANCES; TO CLARIFY WHEN A PEDESTRIAN HAS THE RIGHT-OF-WAY AT AN INTERSECTION WHERE TRAFFIC IS ALLOWED TO TURN RIGHT ON A RED LIGHT, TO INCREASE THE PENALTY FOR FAILURE TO YIELD THE RIGHT-OF-WAY TO A PEDESTRIAN WHEN TURNING RIGHT AT A RED LIGHT; TO INCREASE THE DRIVERS LICENSE POINTS ASSESSED FOR FAILURE TO YIELD THE RIGHT-OF-WAY TO A BICYCLE, MOTOR SCOOTER, MOTORCYCLE, OR PEDESTRIAN; AND TO COLLECT DATA REGARDING PEDESTRIAN ACCIDENTS WHERE VEHICLES ARE TURNING RIGHT AT A RED LIGHT.

The Senate Committee Substitute bill passes its second reading (47-0).

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, July 7, upon third reading.

**H.B. 1107** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CIVIL LIABILITY AND INCREASE THE CRIMINAL PENALTY FOR PERSONS WHO REPRESENT UNAUTHORIZED INSURERS AND TO PROVIDE THAT SUCH ACTIVITY IS GROUNDS FOR REVOCATION OF THE LICENSE OF THE INSURANCE AGENT OR BROKER; AND TO LIMIT DIRECT PROCUREMENT OF INSURANCE ONLY THROUGH ELIGIBLE SURPLUS LINES INSURERS.

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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. 1139** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TERMINATE AS A MATTER OF LAW CERTAIN PARENTAL RIGHTS OF A PERSON CONVICTED OF CERTAIN CRIMES THAT RESULT IN THE VICTIM BECOMING PREGNANT, TO PROVIDE FOR OPEN DISCOVERY IN ALL FELONY CASES, AND TO MAKE CERTAIN OTHER AMENDMENTS TO THE LAWS REGARDING DISCOVERY IN CRIMINAL CASES.

Senator Rand offers Amendment No. 1 which is adopted (47-0).

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 by special message, for concurrence in the Senate Committee Substitute bill.

### REPORTS OF COMMITTEES

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

By Senator Clodfelter for the **Judiciary I 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, 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 30571, is adopted and engrossed.

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

**H.B. 831** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COASTAL RECREATIONAL FISHING LICENSE, with an unfavorable report as to Committee Substitute bill No. 3, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 60522, which changes the title to read **H.B. 831** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA SALTWATER FISHING FUND AND LICENSE AND TO PROVIDE THAT VACANCIES MAY BE FILLED IN CERTAIN OFFICES DURING A HOLDOVER PERIOD, is adopted and engrossed.

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

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**CALENDAR** *(continued)*

**H.B. 1420**, A BILL TO BE ENTITLED AN ACT TO EXTEND TO LOCAL GOVERNMENTS ACTING JOINTLY THE SAME SETOFF DEBT COLLECTION PROCEDURES CURRENTLY ALLOWED TO LOCAL GOVERNMENTS ACTING ALONE.

Senator Rand offers Amendment No. 1 which is adopted (45-2).

The bill, as amended, passes its second (44-3) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in Senate Amendment No. 1.

**H.B. 1469** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO INITIATE OR CONTINUE CERTAIN DISEASE MANAGEMENT ACTIVITIES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE RISING COST OF HEALTH CARE.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

**H.B. 1518** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING A PERSON TO PAY ANY OUTSTANDING RESTITUTION ORDERS PRIOR TO THE EXPUNCTION OF THE PERSON'S CRIMINAL RECORD.

The Senate Committee Substitute bill passes its second reading (47-0).

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 7.

**S.B. 486** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURANCE COMPANIES FROM USING CUSTOMER INQUIRIES TO TERMINATE A POLICY, TO REFUSE TO ISSUE OR RENEW A POLICY, OR TO SUBJECT A POLICY TO CONSENT TO RATE, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill No. 2 (47-0) and the measure is ordered enrolled and sent to the Governor.

**H.B. 356** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF THE NORTH CAROLINA STATE BAR CONCERNING PARALEGALS AND FEES RELATING TO CERTIFICATION AND TO EXTEND THE SUNSET OF THE INDUSTRIAL COMMISSION FEE EARMARKED FOR INFORMATION TECHNOLOGY, temporarily displaced earlier.

The Senate Committee Substitute bill passes its second (44-3) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

**WITHDRAWAL FROM COMMITTEE**

**S.B. 1054** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE UNLAWFUL DISTRIBUTION OF METHAMPHETAMINE THAT PROXIMATELY RESULTS IN THE DEATH OF A PERSON IS SECOND

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DEGREE MURDER, TO MAKE IT AN AGGRAVATING FACTOR TO MANUFACTURE METHAMPHETAMINE IN A LOCATION THAT ENDANGERS A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR THE UNLAWFUL MANUFACTURE OF METHAMPHETAMINE, AND TO INCREASE THE CRIMINAL PENALTY FOR THE POSSESSION OF PRECURSOR SUBSTANCES FOR METHAMPHETAMINE, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, AND TO REQUIRE THE COMMISSION FOR HEALTH SERVICES TO ESTABLISH DECONTAMINATION STANDARDS FOR PROPERTY USED FOR THE MANUFACTURE OF METHAMPHETAMINE, referred to the **Appropriations/Base Budget Committee** on June 2, 2004.

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 today's Calendar, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on today's Calendar.

### SENATE PAGES

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

Katherine Elizabeth Amundsen, Raleigh; Alex Berwyn, Raleigh; Lena Christine Brown, Providence; Nina Chandra, Fayetteville; Sarah Ann Cline, Charlotte; Charlotte H. Davidson, Greensboro; Jarod Robert Ewers, Dallas; Arnold Ato Floyd, Gastonia; John Gardin, Gastonia; Ashley Graham, Gastonia; Whitley Elizabeth Grant, Ahoskie; Justin Andrew Hall, Burlington; Mary Ellen Hardin, Mill Spring; Melanie Elizabeth Houston, Beulaville; Elizabeth Bristol Ingram, Raleigh; Brittany Jenkins, Gastonia; Molly Elizabeth Jones, Tabor City; W. Harrison Kaylor, Raleigh; La Toya Lawing, Gastonia; Yakotus OPor'Shawn Mackins, Gastonia; Shadreka McCoy, Gastonia; Karitha McDowell, Gastonia; Lauren Miller, Raleigh; Laura-Nelle Parnell, Charlotte; Lilian Ilana Schorr, Charlotte; Joshua O. Smith, Gastonia; Malcolm D. Smith, Raeford; Pamela Susan Spencer, Richlands; Benjamin C. Thurkill, Rocky Mount; Sallie Claiborne Watkins, Greensboro; James Brandon Whittington, Winston-Salem; Christopher David Wiles, Prospect Hill; Jessica Williams, Gastonia; and Courtney R. Zillifro, Manteo.

The Senate recesses at 3:33 P.M. for the purpose of a **Finance Committee** meeting to reconvene at 3:48 P.M.

### RECESS

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

### CALENDAR *(continued)*

**S.B. 1054** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE UNLAWFUL DISTRIBUTION OF METHAMPHETAMINE

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THAT PROXIMATELY RESULTS IN THE DEATH OF A PERSON IS SECOND DEGREE MURDER, TO MAKE IT AN AGGRAVATING FACTOR TO MANUFACTURE METHAMPHETAMINE IN A LOCATION THAT ENDANGERS A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR THE UNLAWFUL MANUFACTURE OF METHAMPHETAMINE, AND TO INCREASE THE CRIMINAL PENALTY FOR THE POSSESSION OF PRECURSOR SUBSTANCES FOR METHAMPHETAMINE, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, AND TO REQUIRE THE COMMISSION FOR HEALTH SERVICES TO ESTABLISH DECONTAMINATION STANDARDS FOR PROPERTY USED FOR THE MANUFACTURE OF METHAMPHETAMINE, placed earlier on today's Calendar.

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

The Committee Substitute bill, as amended, passes its third reading (45-0) 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 Hoyle for the **Finance Committee**:

**H.B. 831** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA SALTWATER FISHING FUND AND LICENSE AND TO PROVIDE THAT VACANCIES MAY BE FILLED IN CERTAIN OFFICES DURING A HOLDOVER PERIOD, with a favorable report.

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

Upon motion of Senator Basnight, seconded by Senator Swindell, the Senate adjourns at 4:11 P.M. subject to receipt of committee reports and reading of messages from the House of Representatives, to meet tomorrow, Thursday, July 7, at 2:00 P.M.

### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

**S.B. 991** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE STATE GOVERNMENT INFORMATION TECHNOLOGY PLANNING, ADOPT STANDARDS, MAKE PROJECT DEVELOPMENT MORE EFFICIENT, REDUCE COST OVERRUNS, PROVIDE ASSISTANCE TO STATE AGENCIES, AND INCREASE ACCOUNTABILITY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 7, for concurrence in the House Committee Substitute bill.

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**H.B. 1457** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO ENCOURAGE THE IDENTIFICATION AND DEVELOPMENT OF A CONTINUUM OF COMMUNITY SOLUTIONS TO MEET THE EDUCATIONAL NEEDS OF STUDENTS WHO ARE SUSPENDED FOR MORE THAN TEN SCHOOL DAYS, TO ADD AN ALTERNATIVE SCHOOL OR ALTERNATIVE LEARNING PROGRAM ADMINISTRATOR TO THE COUNTY JUVENILE CRIME PREVENTION COUNCILS, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO ADOPT A POLICY ESTABLISHING A CONTINUUM OF EDUCATIONAL SERVICES FOR THESE STUDENTS.

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

**H.B. 1460** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO REQUIRE SCHOOLS TO DEVELOP AND IMPLEMENT INTERVENTION PLANS FOR STUDENTS WHO ARE SUSPENDED FROM SCHOOL.

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

**H.B. 1602** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE IMPOSITION ON PARTNERSHIPS OF THE DOLLAR AMOUNT LIMITATION ON THE CREDIT ALLOWED FOR REAL PROPERTY DONATIONS.

Referred to the **Finance Committee**.

### REPORTS OF COMMITTEES

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

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

**H.B. 831** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA SALTWATER FISHING FUND AND LICENSE AND TO PROVIDE THAT VACANCIES MAY BE FILLED IN CERTAIN OFFICES DURING A HOLDOVER PERIOD, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment Nos. 1, 2 and 3 are adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:21 P.M.

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**ONE HUNDRED FORTIETH DAY**

Senate Chamber  
Wednesday, July 7, 2004

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, symbolically, a mountain is trouble.

"We pray often that You would remove mountains from our paths. Sometimes You do. Often You do not.

"There could be a few mountains left in the business before the Senate. If there are, help us to trust that You would rather grow a person than remove that mountain.

"Driving us to higher ground may give a perspective unanticipated but much appreciated. Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, July 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. Lynn A. Hughes from Concord, 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. 486**, AN ACT TO PROHIBIT INSURANCE COMPANIES FROM USING CUSTOMER INQUIRIES TO TERMINATE A POLICY, TO REFUSE TO ISSUE OR RENEW A POLICY, OR TO SUBJECT A POLICY TO CONSENT TO RATE.

**H.B. 964**, AN ACT TO AMEND THE LAW GOVERNING FURNITURE REQUIREMENT CONTRACTS FOR STATE AGENCIES.

**H.B. 1430**, AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS, TO SET THE PUBLIC UTILITY AND INSURANCE REGULATORY FEES, TO EXTEND THE SUNSET ON THE LOW-INCOME HOUSING TAX CREDIT, TO CLARIFY THE SALES TAX INCENTIVES FOR MAJOR PROJECTS, TO MAINTAIN THE CURRENT SALES TAX RATES ON ELECTRICITY USED BY MANUFACTURERS, AND TO ESTABLISH FAMILY COURT FEES.

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**H.B. 1469**, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO INITIATE OR CONTINUE CERTAIN DISEASE MANAGEMENT ACTIVITIES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE RISING COST OF HEALTH CARE.

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. 1462**, AN ACT TO AUTHORIZE THE TOWN OF SEVEN DEVILS TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES.

**H.B. 1589**, AN ACT CODIFYING THE METHOD OF ELECTING THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS AS ORDERED BY THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.

**H.B. 1613**, AN ACT TO AMEND THE LAW IN CHOWAN COUNTY REGULATING HUNTING ON PRIVATE LAND, TO REGULATE THE DISCHARGE OF A CENTER-FIRE RIFLE IN CHOWAN COUNTY, AND TO ADD CHOWAN AND ANSON COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS.

**H.B. 1614**, AN ACT TO PROVIDE THAT THE LENOIR COUNTY ABC BOARD MAY MAKE ANNUAL RATHER THAN QUARTERLY DISTRIBUTIONS OF THE PROCEEDS FROM THE ABC SYSTEM.

**H.B. 1659**, AN ACT TO AMEND THE LAW REGULATING THE USE OF HUNTING STANDS IN PERQUIMANS COUNTY.

**H.B. 1662**, AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN CHEROKEE AND CLAY COUNTIES.

**H.B. 1674**, AN ACT CONCERNING FILLING OF VACANCIES IN THE BOARD OF COMMISSIONERS OF THE TOWN OF ZEBULON.

**S.J.R. 1408**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GENERAL GRIFFITH RUTHERFORD ON THE 225TH ANNIVERSARY OF RUTHERFORD COUNTY. (Res. 2004-9)

**S.J.R. 1444**, A JOINT RESOLUTION HONORING THE MEMORY OF DR. GIL WYLIE ON THE 100TH ANNIVERSARY OF LAKE WYLIE. (Res. 2004-10)

#### **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:

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**S.B. 1178**, AN ACT ABOLISHING THE OFFICE OF CORONER IN WILKES COUNTY. (Became law upon ratification, July 6, 2004 - S.L. 2004-51.)

**S.B. 1201**, AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY IN ROBESON COUNTY. (Became law upon ratification, July 6, 2004 - S.L. 2004-52.)

**S.B. 1233**, AN ACT TO AUTHORIZE THE TOWN OF PINEBLUFF TO CONVEY TO ADJACENT PROPERTY OWNERS TROLLEY EASEMENTS AT PRIVATE NEGOTIATED SALE. (Became law upon ratification, July 6, 2004 - S.L. 2004-53.)

**S.B. 1277**, AN ACT PROVIDING FOR STAGGERED TERMS FOR THE TOWN BOARD OF THE TOWN OF MADISON. (Became law upon ratification, July 6, 2004 - S.L. 2004-54.)

**S.B. 1279**, AN ACT TO ALLOW THE ROCKINGHAM COUNTY BOARD OF COMMISSIONERS TO CONTRACT WITH BOTH THE TOWN OF MAYODAN FIRE DEPARTMENT AND THE TOWN OF MADISON FIRE DEPARTMENT TO PROVIDE FIRE PROTECTION SERVICES IN THE M & M FIRE DISTRICT. (Became law upon ratification, July 6, 2004 - S.L. 2004-55.)

**H.B. 1369**, AN ACT TO PROVIDE THAT THE WESTERN BOUNDARY OF THE TOWN OF EMERALD ISLE EXTENDS TO THE BOGUE INLET CHANNEL AS IT FLUCTUATES OVER TIME TO ALLOW ALL UPLAND AREAS CONNECTED TO BOGUE BANKS ON THE WESTERN END OF THE ISLAND TO BE IN THE TOWN LIMITS AND TO ANNEX CERTAIN DESCRIBED TERRITORY INTO THE TOWN OF MIDLAND. (Became law upon ratification, July 6, 2004 - S.L. 2004-56.)

**H.B. 1385**, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR VARIOUS MUNICIPALITIES. (Became law upon ratification, July 6, 2004 - S.L. 2004-57.)

### CALENDAR

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

**S.B. 991** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE STATE GOVERNMENT INFORMATION TECHNOLOGY PLANNING, ADOPT STANDARDS, MAKE PROJECT DEVELOPMENT MORE EFFICIENT, REDUCE COST OVERRUNS, PROVIDE ASSISTANCE TO STATE AGENCIES, AND INCREASE ACCOUNTABILITY.

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, July 8.

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**REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

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

**H.B. 1453**, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS F FELONY TO DISCHARGE A FIREARM ON EDUCATIONAL PROPERTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, 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 50440, is adopted and engrossed.

By Senator Swindell for the **Education/Higher Education Committee**:

**H.B. 1459** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE WHETHER TEACHER PREPARATION PROGRAMS SHOULD REQUIRE COURSES IN DIVERSITY TRAINING, ANGER MANAGEMENT, CONFLICT RESOLUTION, AND CLASSROOM MANAGEMENT, with a favorable report.

**H.B. 1509**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CABARRUS MEMORIAL HOSPITAL MAY AWARD ADVANCED DEGREES TO GRADUATES OF ITS NURSING AND ALLIED HEALTH SCIENCES PROGRAMS AS APPROPRIATE, with a favorable report.

**H.B. 1529**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE MOORE COUNTY BOARD OF EDUCATION TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE U. S. OPEN GOLF TOURNAMENT, with a favorable report.

**S.B. 1058**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE MILITARY OR A DEPENDENT RELATIVE OF A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT UNIVERSITY OR A COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE IN-STATE TUITION 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 85365, is adopted and engrossed.

**H.B. 1723** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EXISTING CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM

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AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' MAJOR MEDICAL PLAN, 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 60520, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Pensions & Retirement and Aging Committee.**

By Senator Kinnaird for the **State Government, Local Government, and Veterans' Affairs Committee:**

**H.B. 1649** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WAKE COUNTY TO REGULATE THE USE OF IMPAIRING SUBSTANCES WHILE HUNTING WITH FIREARMS, with a favorable report.

**H.B. 1669**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CLINTON CITY BOARD OF EDUCATION TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE SAMPSON HIGH SCHOOL ALUMNI ASSOCIATION, INC, with a favorable report.

**H.B. 1726** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS, with a favorable report.

**H.B. 1737** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF WINSTON-SALEM AND REIDSVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS, 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 80478, is adopted and engrossed.

#### **CALENDAR** *(continued)*

**S.B. 1181**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE ALLEGHANY OCCUPANCY TAX.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, July 8, upon third reading.

**H.B. 831** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA SALTWATER FISHING FUND AND LICENSE AND TO PROVIDE THAT VACANCIES MAY BE FILLED IN CERTAIN OFFICES DURING A HOLDOVER PERIOD.

Senator Brock offers Amendment No. 1 which fails of adoption (18-28).

July 7, 2004

The Senate Committee Substitute bill passes its second (45-1) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

**H.B. 951** (Senate 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.

The Senate Committee Substitute bill passes its second (48-0) 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. 1152** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY DISCLOSURE OF MOTOR VEHICLE TOTAL LOSS CLAIMS.

Senator Soles offers Amendment No. 1 which is adopted (45-3).

The Senate Committee Substitute bill, as amended, passes its second (41-7) and third readings and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

**H.B. 965** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PENALTIES FOR PERSONS WHO CAUSE SERIOUS BODILY INJURY WHEN FAILING TO YIELD THE RIGHT-OF-WAY UNDER CERTAIN CIRCUMSTANCES; TO CLARIFY WHEN A PEDESTRIAN HAS THE RIGHT-OF-WAY AT AN INTERSECTION WHERE TRAFFIC IS ALLOWED TO TURN RIGHT ON A RED LIGHT, TO INCREASE THE PENALTY FOR FAILURE TO YIELD THE RIGHT-OF-WAY TO A PEDESTRIAN WHEN TURNING RIGHT AT A RED LIGHT; TO INCREASE THE DRIVERS LICENSE POINTS ASSESSED FOR FAILURE TO YIELD THE RIGHT-OF-WAY TO A BICYCLE, MOTOR SCOOTER, MOTORCYCLE, OR PEDESTRIAN; AND TO COLLECT DATA REGARDING PEDESTRIAN ACCIDENTS WHERE VEHICLES ARE TURNING RIGHT AT A RED LIGHT.

The Senate Committee Substitute bill passes its third reading (48-0) and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

**H.B. 1518** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING A PERSON TO PAY ANY OUTSTANDING RESTITUTION ORDERS PRIOR TO THE EXPUNCTION OF THE PERSON'S CRIMINAL RECORD.

The Senate Committee Substitute bill passes its third reading (48-0) and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

**S.B. 444** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT EDUCATIONAL MATERIALS ARE PROVIDED SO THAT SCHOOLS PROVIDE INFORMATION TO PARENTS AND GUARDIANS CONCERNING MENINGOCOCCAL MENINGITIS AND INFLUENZA AND THEIR VACCINES, for concurrence in the House Committee Substitute bill.

July 7, 2004



Upon motion of Senator Hagan, the Senate concurs in the House Committee Substitute bill (48-0) 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  
July 6, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for **H.B. 1463**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION.

Respectfully,  
S/Denise Weeks  
Principal Clerk

**S.B. 732** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO IMPLEMENT A PILOT PROGRAM UNDER WHICH A COUNTY MAY DESIGNATE AN AREA AS A NEW URBAN WATERFRONT UNDER THE COASTAL AREA MANAGEMENT ACT OF 1974, for concurrence in the House Committee Substitute.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 8, for concurrence in the House Committee Substitute bill.

**S.B. 1093** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD EDGEcombe, NASH, AND WILSON COUNTIES TO THOSE COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES, for concurrence in House Amendment No. 1.

The Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 8, for concurrence in House Amendment No. 1.

**S.J.R. 1441**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF RAY CHARLES, AN AMERICAN LEGEND, for concurrence in House Amendment No. 1.

The joint resolution is placed on the Calendar for tomorrow, Thursday, July 8, for concurrence in House Amendment No. 1.

July 7, 2004

**REPORTS OF COMMITTEES**

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

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

**H.B. 1356**, A BILL TO BE ENTITLED AN ACT TO ENACT THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO ADMINISTER SUBSTANCE ABUSE ASSESSMENTS, TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR SUBSTANCE ABUSE ASSESSMENTS, TO STUDY THE MINIMUM QUALIFICATIONS OF INDIVIDUALS CONDUCTING ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOLS, AND TO STUDY THE FEE PAID BY DWI OFFENDERS FOR EDUCATION OR TREATMENT SERVICES, with a favorable report.

**H.B. 1699**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, with a favorable report.

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

**H.B. 1795** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUTHORIZATION FOR SPECIAL INDEBTEDNESS FOR YOUTH DEVELOPMENT CENTERS, with a favorable report.

**H.B. 173** (Senate 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, with a favorable report, as amended.

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

**S.B. 1431**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE REGISTRATION PLATES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55312, which changes the title to read **S.B. 1431** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE FIRST IN FLIGHT REGISTRATION PLATES TO THE DEPARTMENT OF DEFENSE, is adopted and engrossed.

July 7, 2004

### APPOINTMENT OF CONFERENCE COMMITTEE

**S.B. 1063** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill on June 29, Senator Dannelly announces the appointment of Senator Hartsell, Chair; Senator Sloan; Senator Dalton; Senator Kerr; and Senator Hoyle as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

### CONFERENCE REPORT

Senator Hartsell for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **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, 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 230, 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, House Committee Substitute Favorable 6/11/03, submit the following report:

The Senate and House agree to the following amendment and the Senate concurs in House Committee Substitute Favorable 6/11/03, as amended:

On page 2, line 10, by deleting the phrase "January 1, 2004" and substituting the phrase "January 1, 2005".

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

Date Conferees approved report: July 7, 2004.

*Conferees for the Senate*

*Conferees for the House of Representatives*

S/Fletcher L. Hartsell, Jr., Chair  
S/Daniel G. Clodfelter  
S/John H. Kerr III

S/Alice L. Bordsen, Chair  
S/G. Wayne Goodwin  
S/Tim Moore  
S/Paul Stam

July 7, 2004

The Conference Report is placed on the Calendar for tomorrow, July 8, for adoption.

The Senate recesses at 3:12 P.M. to reconvene at 4:00 P.M.

### RECESS

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

Upon motion of Senator Basnight, seconded by Senator Nesbitt, the Senate adjourns subject to receipt of committee reports and messages from the House of Representatives, to meet tomorrow, Thursday, July 8, at 12:00 noon.

### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives  
July 6, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for **H.B. 1463**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION, and requests conferees.

Speaker Black has appointed:

Representative Jones, Co-Chair  
Representative C. Wilson, Co-Chair  
Representative Church  
Representative Daughtride  
Representative LaRoque, and  
Representative Owens

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

July 7, 2004

**H.B. 1348**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to the **Finance Committee**.

**H.B. 1513**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM DEATH BENEFIT PAYABLE FROM THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

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

**H.B. 1624**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CONTRIBUTORY DEATH BENEFIT FOR RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM.

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

**H.B. 1721** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW AN INCREASE IN THE CURRITUCK COUNTY OCCUPANCY TAX AND TO CHANGE THE PURPOSES FOR WHICH THE TAX MAY BE USED.

Referred to the **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 Kerr for the **Finance 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, 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 70494, which changes the title to read **H.B. 142** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DARE COUNTY TO LEVY AN ADDITIONAL ONE-HALF PERCENT SALES AND USE TAX, A PRIVILEGE TAX ON PROVIDERS OF TRANSIENT ACCOMMODATIONS, AN ADDITIONAL ONE PERCENT PREPARED FOOD AND BEVERAGES TAX, AND A ROOM TAX, THE PROCEEDS OF ALL OF WHICH SHALL BE USED FOR BEACH NOURISHMENT, is adopted and engrossed.

July 7, 2004

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

**H.B. 1264** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT REGULATORY FEES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 60525, which changes the title to read **H.B. 1264** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE VITAL STATE FACILITIES FOR HEALTH CARE AND BIOTECHNOLOGY RESEARCH, TO CREATE THE DEBT AFFORDABILITY ADVISORY COMMITTEE, AND TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND THE STATE BOARD OF COMMUNITY COLLEGES TO CONTRACT WITH A PRIVATE CONSULTING FIRM TO STUDY UNIVERSITY AND COMMUNITY COLLEGE PROGRAMMING AND CAPITAL NEEDS, is adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:54 P.M.

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### ONE HUNDRED FORTY-FIRST DAY

Senate Chamber  
Thursday, July 8, 2004

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

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

"Dear Lord, we celebrate birthdays for two of our Senators. We're happy for them and we pray that you would continue to bless them.

"We also pray especially today for our Senate conferees and their colleagues from the House whose meetings are ongoing.

"Charles Dickens commented once about a church meeting that extended itself long into the night. Droning away without much resolution until all were tired and uncommunicative, Mr. Dickens interrupted the proceedings by saying, 'I have a suggestion. Why don't we move to a table in another room, sit around the table and hold hands and see if we can make contact with the living.'

"We've all been to such meetings. If our conferees need the gift of humor sometime, maybe Mr. Dickens' story will help. Better yet, O God, may Your spirit give fresh energy and remediation. Amen."

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

July 8, 2004

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

*The President of the Senate extends courtesies of the floor to Dr. Sandra C. Blakney from Cary, North Carolina, who is serving the Senate as Doctor of the Day, and to Rachel Piche from Gastonia, 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. 444**, AN ACT TO ENSURE THAT EDUCATIONAL MATERIALS ARE PROVIDED SO THAT SCHOOLS PROVIDE INFORMATION TO PARENTS AND GUARDIANS CONCERNING MENINGOCOCCAL MENINGITIS AND INFLUENZA AND THEIR VACCINES.

**S.B. 1144**, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE AN "IN GOD WE TRUST" SPECIAL REGISTRATION PLATE WITH THE PROCEEDS GOING TO THE AUBREY MCLELLAN SOLDIER AND AIRMAN ASSISTANCE FUND FOR FAMILIES OF DEPLOYED NORTH CAROLINA NATIONAL GUARDSMEN.

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

**H.B. 1349**, AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN COLUMBUS COUNTY.

**H.B. 1728**, AN ACT TO AUTHORIZE THE LAKE ROYALE POLICE DEPARTMENT TO ENFORCE THE LAW ON THE WATERS OF LAKE ROYALE AND TO COMPETE FOR GRANTS FOR THE PURCHASE OF LAW ENFORCEMENT EQUIPMENT.

Without objection, upon motion of Senator Rand, beginning today through the end of this Session, all bills ordered sent to the Governor will be sent by special message.

### CALENDAR

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

**S.B. 1181**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE ALLEGHANY OCCUPANCY TAX, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 38, noes 2, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Apodaca, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Horton, Hunt, Jenkins, Kinnaird, Lucas, Malone, Moore, Nesbitt, Purcell, Rand, Reeves, Sloan, Smith, Soles, Stevens, Swindell, Tillman and White—38.

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

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

**H.B. 1649** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WAKE COUNTY TO REGULATE THE USE OF IMPAIRING SUBSTANCES WHILE HUNTING WITH FIREARMS.

Upon motion of Senator Dalton, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Friday, July 9.

**H.B. 142** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DARE COUNTY TO LEVY AN ADDITIONAL ONE-HALF PERCENT SALES AND USE TAX, A PRIVILEGE TAX ON PROVIDERS OF TRANSIENT ACCOMMODATIONS, AN ADDITIONAL ONE PERCENT PREPARED FOOD AND BEVERAGES TAX, AND A ROOM TAX, THE PROCEEDS OF ALL OF WHICH SHALL BE USED FOR BEACH NOURISHMENT, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 39, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Bingham, Blake, Brock, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Purcell, Queen, Rand, Reeves, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and White—39.

Voting in the negative: Senators Berger, Pittenger and Webster—3.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Friday, July 9, upon third reading.

**H.B. 1509**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CABARRUS MEMORIAL HOSPITAL MAY AWARD ADVANCED DEGREES TO GRADUATES OF ITS NURSING AND ALLIED HEALTH SCIENCES PROGRAMS AS APPROPRIATE.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 1529**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE MOORE COUNTY BOARD OF EDUCATION TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE U. S. OPEN GOLF TOURNAMENT.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 1669**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CLINTON CITY BOARD OF EDUCATION TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE SAMPSON HIGH SCHOOL ALUMNI ASSOCIATION, INC.

The bill passes its second and third readings and is ordered enrolled.

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**H.B. 1726** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

**H.B. 1737** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF WINSTON-SALEM AND REIDSVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

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.

**S.B. 1093** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD EDGEcombe, NASH, AND WILSON COUNTIES TO THOSE COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES, for concurrence in House Amendment No. 1.

Upon motion of Senator Jenkins, the Senate concurs in House Amendment No. 1 (47-0) and the measure is ordered enrolled.

**H.B. 1264** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE VITAL STATE FACILITIES FOR HEALTH CARE AND BIOTECHNOLOGY RESEARCH, TO CREATE THE DEBT AFFORDABILITY ADVISORY COMMITTEE, AND TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND THE STATE BOARD OF COMMUNITY COLLEGES TO CONTRACT WITH A PRIVATE CONSULTING FIRM TO STUDY UNIVERSITY AND COMMUNITY COLLEGE PROGRAMMING AND CAPITAL NEEDS.

Senator Berger offers Amendment No. 1.

Senator Rand offers a motion that Amendment No.1 lie upon the table, seconded by Senator Kerr. The motion prevails (28-20).

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 41, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Bingham, Blake, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Purcell, Queen, Rand, Reeves, Shaw, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and White—41.

Voting in the negative: Senators Berger, Brock, Foxx, Horton, Pittenger, Rucho and Webster—7.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Friday, July 9, upon third reading.

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**S.B. 991** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE STATE GOVERNMENT INFORMATION TECHNOLOGY PLANNING, ADOPT STANDARDS, MAKE PROJECT DEVELOPMENT MORE EFFICIENT, REDUCE COST OVERRUNS, PROVIDE ASSISTANCE TO STATE AGENCIES, AND INCREASE ACCOUNTABILITY, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Reeves, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 13, for concurrence in the House 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**:

**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, 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 30574, which changes the title to read **H.B. 1083** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE WATER CONSERVATION IN MULTIFAMILY RESIDENTIAL PROPERTIES BY AMENDING VARIOUS STATE LAWS REGARDING THE USE OF SUBMETERS IN LIGHT OF CHANGES IN POLICY RELATED TO WATER TESTING REQUIREMENTS AND WATER CONSERVATION BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is adopted and engrossed.

**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 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, 80479, which changes the title to read **H.B. 1112** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT REQUIREMENTS APPLICABLE TO NATIONAL POLLUTION DISCHARGE ELIMINATION

July 8, 2004

SYSTEM (NPDES) PERMITS AND ANIMAL WASTE MANAGEMENT PLANS GOVERNING ANIMAL FEEDING OPERATIONS TO MAKE THE STATE PERMIT REQUIREMENTS CONSISTENT WITH FEDERAL REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is adopted and engrossed.

Upon motion of Senator Albertson, the Senate Committee Substitute bill No. 2 is re-referred to the **Finance Committee**.

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

**H.B. 1354** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST DOMESTIC VIOLENCE, TO PROVIDE ADDITIONAL ASSISTANCE TO DOMESTIC VIOLENCE VICTIMS, AND TO MAKE OTHER CHANGES AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE, 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 70495, is adopted and engrossed.

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

**H.B. 1449** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURE 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, 60526, is adopted and engrossed.

#### **CALENDAR** *(continued)*

**H.B. 1356**, A BILL TO BE ENTITLED AN ACT TO ENACT THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO ADMINISTER SUBSTANCE ABUSE ASSESSMENTS, TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR SUBSTANCE ABUSE ASSESSMENTS, TO STUDY THE MINIMUM QUALIFICATIONS OF INDIVIDUALS CONDUCTING ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOLS, AND TO STUDY THE FEE PAID BY DWI OFFENDERS FOR EDUCATION OR TREATMENT SERVICES, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 44, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Hoyle,

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Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Sloan, Smith, Soles, Stevens, Swindell, Thomas and Tillman—44.

Voting in the negative: Senators Carrington, Horton, Webster and White—4.

The bill remains on the Calendar for tomorrow, Friday, July 9, upon third reading.

**H.B. 1795** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUTHORIZATION FOR SPECIAL INDEBTEDNESS FOR YOUTH DEVELOPMENT CENTERS.

Upon motion of Senator Hoyle, the President orders, without objection, the bill temporarily displaced.

**S.B. 1058** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE MILITARY OR A DEPENDENT RELATIVE OF A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT UNIVERSITY OR A COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE IN-STATE TUITION RATE.

The Committee Substitute bill passes its second (47-1) and third readings and is ordered sent to the House of Representatives by special message.

**H.B. 173** (Senate 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.

Upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, July 9, upon second reading.

**S.B. 1431** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE FIRST IN FLIGHT REGISTRATION PLATES TO THE DEPARTMENT OF DEFENSE.

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. 1453** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS F FELONY TO DISCHARGE A FIREARM ON EDUCATIONAL PROPERTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE.

Upon motion of Senator Dalton, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

**H.B. 1459** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE WHETHER TEACHER PREPARATION

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PROGRAMS SHOULD REQUIRE COURSES IN DIVERSITY TRAINING, ANGER MANAGEMENT, CONFLICT RESOLUTION, AND CLASSROOM MANAGEMENT.

The Committee Substitute bill passes its second (47-1) and third readings and is ordered enrolled and sent to the Governor by special message.

**S.B. 732** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO IMPLEMENT A PILOT PROGRAM UNDER WHICH A COUNTY MAY DESIGNATE AN AREA AS A NEW URBAN WATERFRONT UNDER THE COASTAL AREA MANAGEMENT ACT OF 1974, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Albertson, 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.

**S.J.R. 1441**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF RAY CHARLES, AN AMERICAN LEGEND, for concurrence in House Amendment No. 1.

Upon motion of Senator Dorsett, the Senate concurs in House Amendment No. 1 (48-0) and the measure is ordered enrolled.

**S.B. 230** (Conference Report), 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 adoption.

Upon motion of Senator Hartsell, the Senate adopts the Conference Report (48-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

**H.B. 1795** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUTHORIZATION FOR SPECIAL INDEBTEDNESS FOR YOUTH DEVELOPMENT CENTERS, temporarily displaced earlier.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 45, noes 3, 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, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster and White—45.

Voting in the negative: Senators Horton, Moore and Rucho—3.

The Committee Substitute bill remains on the Calendar for tomorrow, Friday, July 9, upon third reading.

**H.B. 1453** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS F FELONY TO DISCHARGE A FIREARM ON EDUCATIONAL PROPERTY, AS RECOMMENDED BY THE JOINT

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LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, temporarily displaced earlier.

The Senate Committee Substitute bill passes its second reading (48-0).

Senator Smith objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Friday, July 9, upon third reading.

#### WITHDRAWAL FROM COMMITTEE

**H.J.R. 1807**, A JOINT RESOLUTION HONORING THE FOUNDERS OF DUKE POWER ON THE COMPANY'S 100TH ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on July 2, 2004.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for tomorrow, July 9, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for tomorrow, Friday, July 9.

Upon motion of Senator Basnight, seconded by Senator Soles, the Senate adjourns in memory of Karen Weinstein, wife of Senator David Weinstein, subject to receipt of committee reports, messages from the House of Representatives and ratification of bills, to meet tomorrow, Friday, July 9, at 10:00 A.M.

#### ENROLLED BILLS

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

**S.B. 732**, AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO IMPLEMENT A PILOT PROGRAM UNDER WHICH A COUNTY MAY DESIGNATE AN AREA AS A NEW URBAN WATERFRONT UNDER THE COASTAL AREA MANAGEMENT ACT OF 1974.

**H.B. 1459**, AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE WHETHER TEACHER PREPARATION PROGRAMS SHOULD REQUIRE COURSES IN DIVERSITY TRAINING, ANGER MANAGEMENT, CONFLICT RESOLUTION, AND CLASSROOM MANAGEMENT.

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

**S.B. 1093**, AN ACT TO ADD EDGECOMBE, HALIFAX, LENOIR, NASH, PENDER, AND WILSON COUNTIES TO THOSE COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES.

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**H.B. 1509**, AN ACT TO PROVIDE THAT CABARRUS MEMORIAL HOSPITAL MAY AWARD ADVANCED DEGREES TO GRADUATES OF ITS NURSING AND ALLIED HEALTH SCIENCES PROGRAMS AS APPROPRIATE.

**H.B. 1529**, AN ACT TO ALLOW THE MOORE COUNTY BOARD OF EDUCATION TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE U. S. OPEN GOLF TOURNAMENT.

**H.B. 1669**, AN ACT AUTHORIZING THE CLINTON CITY BOARD OF EDUCATION TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE SAMPSON HIGH SCHOOL ALUMNI ASSOCIATION, INC.

**H.B. 1726**, AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

House of Representatives  
July 8, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **S.B. 230** (Conference Report), 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.

Pursuant to your message that you have adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,  
S/Denise Weeks  
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for **S.B. 230** earlier today, the President orders the bill enrolled and sent to the Governor 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:

July 8, 2004

By Senator Hagan for the **Pensions & Retirement and Aging Committee**:

**H.B. 1513**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM DEATH BENEFIT PAYABLE FROM THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, with a favorable report.

**H.B. 1624**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CONTRIBUTORY DEATH BENEFIT FOR RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, with a favorable report.

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

**H.B. 1348**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with a favorable report.

**H.B. 1721** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW AN INCREASE IN THE CURRITUCK COUNTY OCCUPANCY TAX AND TO CHANGE THE PURPOSES FOR WHICH THE TAX MAY BE USED, with a favorable report.

**H.B. 1730**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A SEWER TREATMENT FEE, with a favorable report.

**H.B. 1733** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF SOUTHPORT TO ASSESS BENEFITED PROPERTY FOR UNDERGROUNDING UTILITIES, with a favorable report.

**H.B. 1734** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OCEAN ISLE BEACH TO IMPOSE A CANAL DREDGING FEE, with a favorable report.

**H.B. 1602** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE IMPOSITION ON PARTNERSHIPS OF THE DOLLAR AMOUNT LIMITATION ON THE CREDIT ALLOWED FOR REAL PROPERTY DONATIONS, with a favorable report, as amended.

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

**H.B. 1594**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30575, which changes the title to read **H.B. 1594** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT AND EXTENDING TO LOCAL GOVERNMENTS ACTING JOINTLY THE SAME SETOFF DEBT COLLECTION PROCEDURES CURRENTLY ALLOWED TO LOCAL GOVERNMENTS ACTING ALONE, 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  
July 8, 2004

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 1063** A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS, and requests conferees,

Speaker Morgan appoints:

Representative Daughtridge, Co-Chair  
Representative Owens, Co-Chair  
Representative Barnhart  
Representative Coates  
Representative Crawford  
Representative Fox  
Representative Gorman  
Representative Justice  
Representative LaRoque  
Representative Tolson

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. 470** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE LAW AFFECTING THE COMPENSATION OF TRUSTEES AND OTHER FIDUCIARIES, for concurrence in the House Committee Substitute bill.

July 8, 2004

The House Committee Substitute bill is placed on the Calendar for tomorrow, Friday, July 9, for concurrence in the House Committee Substitute bill.

**S.B. 1118** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDISTRIBUTE THE FUNDS DERIVED FROM THE FIRST IN FORESTRY SPECIAL PLATE, TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO AUTHORIZE DMV TO ISSUE THE FOLLOWING NEW SPECIAL PLATES: DAUGHTERS OF THE AMERICAN REVOLUTION, EL PUEBLO, HOMES4NC, NC 4-H DEVELOPMENT FUND, SPORT FISHING, COMMERCIAL FISHING, AND A HIGH SCHOOL INSIGNIA PLATE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, July 9, for concurrence in the House Committee Substitute bill.

**S.B. 1202** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE MINIMUM HORIZONTAL SEPARATION DISTANCES BETWEEN A SUBSURFACE WASTEWATER DISPOSAL SYSTEM TO BE LOCATED ON A LOT OR TRACT OF LAND PLATTED PRIOR TO 1 JULY 1977, THAT WILL BE OPERATED IN SAND OR LOAMY SAND SOILS, AND THAT MEETS CERTAIN OTHER REQUIREMENTS, AND ANY OTHER SUBSURFACE WASTEWATER DISPOSAL SYSTEM, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, July 9, for concurrence in the House Committee Substitute bill.

**S.B. 1312** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PARTICIPATION IN 457 PLANS BY LOCAL GOVERNMENTAL EMPLOYEES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, July 9, for concurrence in the House Committee Substitute bill.

**S.B. 1384** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING AND AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Friday, July 9, for concurrence in the House Committee Substitute bill.

**H.B. 1370**, A BILL TO BE ENTITLED AN ACT TO AMEND THE APPLICATION OF THE WORKERS' COMPENSATION LAW TO CERTAIN MOTOR CARRIERS.

Referred to the **Commerce Committee**.

July 8, 2004

**H.B. 1688**, A BILL TO BE ENTITLED AN ACT TO ALLOW A DEFERRED EFFECTIVE DATE FOR CERTAIN VOLUNTARY ANNEXATIONS OF THE CITY OF CONCORD.

Referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:29 P.M.

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## ONE HUNDRED FORTY-SECOND DAY

Senate Chamber  
Friday, July 9, 2004

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, some people whom we encounter today will be unreasonable and self-centered. Help us to love them anyway.

"The good we do today might go unnoticed and be forgotten by tomorrow. Help us to do good anyway.

"If we give our best today and are still rejected, help us to give our best anyway because it is by Your example that we follow and because, like the Lieutenant Governor has said, this is the day the Lord has made - let us rejoice and be glad in it. Amen."

The Chair grants leaves of absence for today to Senator Foxx, Senator Garwood, Senator Holloman, Senator Jenkins, Senator Rucho, Senator Soles and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, July 8, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

## ENROLLED BILLS

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

**S.B. 230**, 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.

July 9, 2004

**S.B. 933**, 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.

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. 1441**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF RAY CHARLES, AN AMERICAN LEGEND. (Res. 2004 - 11)

#### 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. 1462**, AN ACT TO AUTHORIZE THE TOWN OF SEVEN DEVILS TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES. (Became law upon ratification, July 7, 2004 - S.L. 2004-58.)

**H.B. 1589**, AN ACT CODIFYING THE METHOD OF ELECTING THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS AS ORDERED BY THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA. (Became law upon ratification, July 7, 2004 - S.L. 2004-59.)

**H.B. 1613**, AN ACT TO AMEND THE LAW IN CHOWAN COUNTY REGULATING HUNTING ON PRIVATE LAND, TO REGULATE THE DISCHARGE OF A CENTER-FIRE RIFLE IN CHOWAN COUNTY, AND TO ADD CHOWAN AND ANSON COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS. (Became law upon ratification, July 7, 2004 - S.L. 2004-60.)

**H.B. 1614**, AN ACT TO PROVIDE THAT THE LENOIR COUNTY ABC BOARD MAY MAKE ANNUAL RATHER THAN QUARTERLY DISTRIBUTIONS OF THE PROCEEDS FROM THE ABC SYSTEM. (Became law upon ratification, July 7, 2004 - S.L. 2004-61.)

**H.B. 1659**, AN ACT TO AMEND THE LAW REGULATING THE USE OF HUNTING STANDS IN PERQUIMANS COUNTY. (Became law upon ratification, July 7, 2004 - S.L. 2004-62.)

**H.B. 1662**, AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN CHEROKEE AND CLAY COUNTIES. (Became law upon ratification, July 7, 2004 - S.L. 2004-63.)

**H.B. 1674**, AN ACT CONCERNING FILLING OF VACANCIES IN THE BOARD OF COMMISSIONERS OF THE TOWN OF ZEBULON. (Became law upon ratification, July 7, 2004 - S.L. 2004-64.)

July 9, 2004

**S.B. 1093**, AN ACT TO ADD EDGECOMBE, HALIFAX, LENOIR, NASH, PENDER, AND WILSON COUNTIES TO THOSE COUNTIES AUTHORIZED TO USE A TAX CERTIFICATION PROCESS TO ASSIST IN THE COLLECTION OF DELINQUENT PROPERTY TAXES. (Became law upon ratification, July 8, 2004 - S.L. 2004-65.)

**H.B. 1349**, AN ACT TO ESTABLISH SEASONS FOR HUNTING AND TRAPPING FOXES IN COLUMBUS COUNTY. (Became law upon ratification, July 8, 2004 - S.L. 2004-66.)

**H.B. 1509**, AN ACT TO PROVIDE THAT CABARRUS MEMORIAL HOSPITAL MAY AWARD ADVANCED DEGREES TO GRADUATES OF ITS NURSING AND ALLIED HEALTH SCIENCES PROGRAMS AS APPROPRIATE. (Became law upon ratification, July 8, 2004 - S.L. 2004-67.)

**H.B. 1529**, AN ACT TO ALLOW THE MOORE COUNTY BOARD OF EDUCATION TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE U. S. OPEN GOLF TOURNAMENT. (Became law upon ratification, July 8, 2004 - S.L. 2004-68.)

**H.B. 1669**, AN ACT AUTHORIZING THE CLINTON CITY BOARD OF EDUCATION TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE SAMPSON HIGH SCHOOL ALUMNI ASSOCIATION, INC. (Became law upon ratification, July 8, 2004 - S.L. 2004-69.)

**H.B. 1726**, AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO ORDER OWNERS OF RESIDENTIAL PROPERTY TO REPAIR RATHER THAN VACATE HOUSING TO MEET MINIMUM CODE STANDARDS. (Became law upon ratification, July 8, 2004 - S.L. 2004-70.)

**H.B. 1728**, AN ACT TO AUTHORIZE THE LAKE ROYALE POLICE DEPARTMENT TO ENFORCE THE LAW ON THE WATERS OF LAKE ROYALE AND TO COMPETE FOR GRANTS FOR THE PURCHASE OF LAW ENFORCEMENT EQUIPMENT. (Became law upon ratification, July 8, 2004 - S.L. 2004-71.)

**H.B. 257**, AN ACT TO PROHIBIT THE USE OF CITIZENS BAND RADIO EQUIPMENT NOT AUTHORIZED BY THE FEDERAL COMMUNICATIONS COMMISSION. (Became law upon approval of the Governor, July 8, 2004 - S.L. 2004-72.)

**H.B. 1456**, AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE A SPECIFIED PERCENTAGE OF AT-RISK FUNDS FOR SERVICES TO STUDENTS WHO ARE SUSPENDED FROM SCHOOL FOR MORE THAN TEN DAYS. (Became law upon approval of the Governor, July 8, 2004 - S.L. 2004-73.)

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**S.B. 51**, 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 ASSETS NOT INDIRECTLY OWNED BY CORPORATIONS. (Became law upon approval of the Governor, July 8, 2004 - S.L. 2004-74.)

**S.B. 1161**, AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY BASES TO GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY BASES. (Became law upon approval of the Governor, July 8, 2004 - S.L. 2004-75.)

**H.B. 1455**, AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AND RECOMMEND A FUNDING FORMULA FOR ALTERNATIVE LEARNING PROGRAMS AND ALTERNATIVE SCHOOLS. (Became law upon approval of the Governor, July 8, 2004 - S.L. 2004-76.)

**H.B. 1555**, AN ACT TO PROVIDE AN ADDITIONAL FEE TO BE PAID TO COMMISSION CONTRACT AGENTS FOR TRANSACTIONS RELATED TO MOTOR VEHICLE TITLES AND TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY CUSTOMER SERVICE PROVIDED BY THE DIVISION OF MOTOR VEHICLES AND THE COMMISSION CONTRACT AGENTS. (Became law upon approval of the Governor, July 8, 2004 - S.L. 2004-77.)

**H.B. 354**, AN ACT TO AMEND THE STATE DISABILITY INCOME PLAN. (Became law upon approval of the Governor, July 8, 2004 - S.L. 2004-78.)

**H.B. 26**, 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. (Became law upon approval of the Governor, July 8, 2004 - S.L. 2004-79.)

**S.B. 582**, AN ACT TO IMPROVE PUBLIC HEALTH PREPAREDNESS AND RESPONSE. (Became law upon approval of the Governor, July 8, 2004 - S.L. 2004-80.)

**H.B. 1478**, AN ACT TO MAKE A TECHNICAL CORRECTION TO THE LAW CLARIFYING THE STATUS OF TEACHERS PARTICIPATING IN FOREIGN EXCHANGE PROGRAMS FOR PURPOSES OF RETIREMENT AND TENURE. (Became law upon approval of the Governor, July 8, 2004 - S.L. 2004-81.)

**S.B. 1086**, AN ACT TO AUTHORIZE REAR HIGH MOUNTED FLASHING DECELERATION LAMPS ON PUBLIC TRANSIT VEHICLES. (Became law upon approval of the Governor, July 8, 2004 - S.L. 2004-82.)

July 9, 2004

**S.B. 859**, AN ACT TO ESTABLISH THE CATAWBA/WATEREE RIVER BASIN ADVISORY COMMISSION AND THE YADKIN/PEE DEE RIVER BASIN ADVISORY COMMISSION. (Became law upon approval of the Governor, July 8, 2004 - S.L. 2004-83.)

**H.B. 1303**, AN ACT TO REDUCE PRIVILEGE AND EXCISE TAXES. (Became law upon approval of the Governor, July 8, 2004 - S.L. 2004-84.)

#### WITHDRAWAL FROM 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 the **Rules and Operations of the Senate Committee** on May 5, 2003.

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 **Commerce 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 **Commerce Committee**.

#### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

**H.B. 1119** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE ELECTION LAWS, 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 70496, is adopted and engrossed.

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

**H.B. 1354** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST DOMESTIC VIOLENCE, TO PROVIDE ADDITIONAL ASSISTANCE TO DOMESTIC VIOLENCE VICTIMS, AND TO MAKE OTHER CHANGES AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE, 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, 70503, is adopted and engrossed.

Upon motion of Senator Rand, the Senate Committee Substitute bill No. 2 is re-referred to the **Appropriations/Base Budget Committee**.

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**H.B. 1547** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE OUTSIDE ITS JURISDICTION AND TO GRANT SEVERABLE DEVELOPMENT RIGHTS WITHIN ITS JURISDICTION, 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 60528, is adopted and engrossed.

### CALENDAR

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

**H.B. 142** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DARE COUNTY TO LEVY AN ADDITIONAL ONE-HALF PERCENT SALES AND USE TAX, A PRIVILEGE TAX ON PROVIDERS OF TRANSIENT ACCOMMODATIONS, AN ADDITIONAL ONE PERCENT PREPARED FOOD AND BEVERAGES TAX, AND A ROOM TAX, THE PROCEEDS OF ALL OF WHICH SHALL BE USED FOR BEACH NOURISHMENT, upon third reading.

Upon motion of Senator Rand, the President orders, without objection, the bill temporarily displaced.

**H.B. 1348**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 39, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Hagan, Hargett, Horton, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Shaw, Shubert, Sloan, Smith, Stevens, Swindell, Thomas, Tillman and White—39.

Voting in the negative: Senator Webster—1.

The bill remains on the Calendar for Monday, July 12, upon third reading.

**H.B. 1721** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW AN INCREASE IN THE CURRITUCK COUNTY OCCUPANCY TAX AND TO CHANGE THE PURPOSES FOR WHICH THE TAX MAY BE USED, upon second reading.

The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 39, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Hagan, Hargett, Horton, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Shaw, Shubert, Sloan, Smith, Stevens, Swindell, Thomas, Tillman and White—39.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill No. 2 remains on the Calendar for Monday, July 12, upon third reading.

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**H.B. 1730**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A SEWER TREATMENT FEE, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 39, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Hagan, Hargett, Horton, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Shaw, Shubert, Sloan, Smith, Stevens, Swindell, Thomas, Tillman and White—39.

Voting in the negative: Senator Webster—1.

The bill remains on the Calendar for Monday, July 12, upon third reading.

**H.B. 1733** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF SOUTHPORT TO ASSESS BENEFITED PROPERTY FOR UNDERGROUNDING UTILITIES, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 39, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Hagan, Hargett, Horton, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Shaw, Shubert, Sloan, Smith, Stevens, Swindell, Thomas, Tillman and White—39.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill remains on the Calendar for Monday, July 12, upon third reading.

**H.B. 1734** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OCEAN ISLE BEACH TO IMPOSE A CANAL DREDGING FEE, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 39, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Hagan, Hargett, Horton, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Shaw, Shubert, Sloan, Smith, Stevens, Swindell, Thomas, Tillman and White—39.

Voting in the negative: Senator Webster—1.

The bill remains on the Calendar for Monday, July 12, upon third reading.

**H.B. 1649** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WAKE COUNTY TO REGULATE THE USE OF IMPAIRING SUBSTANCES WHILE HUNTING WITH FIREARMS.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

**H.B. 142** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DARE COUNTY TO LEVY AN ADDITIONAL ONE-HALF PERCENT SALES AND USE TAX, A PRIVILEGE TAX ON PROVIDERS OF TRANSIENT ACCOMMODATIONS, AN ADDITIONAL ONE PERCENT

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PREPARED FOOD AND BEVERAGES TAX, AND A ROOM TAX, THE PROCEEDS OF ALL OF WHICH SHALL BE USED FOR BEACH NOURISHMENT, upon third reading, temporarily displaced earlier.

Senator Rand offers Amendment No. 1 which is adopted (39-0).

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 38, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Hagan, Hargett, Horton, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Shaw, Sloan, Smith, Stevens, Swindell, Thomas, Tillman and White—38.

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

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

**H.B. 1264** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE VITAL STATE FACILITIES FOR HEALTH CARE AND BIOTECHNOLOGY RESEARCH, TO CREATE THE DEBT AFFORDABILITY ADVISORY COMMITTEE, AND TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND THE STATE BOARD OF COMMUNITY COLLEGES TO CONTRACT WITH A PRIVATE CONSULTING FIRM TO STUDY UNIVERSITY AND COMMUNITY COLLEGE PROGRAMMING AND CAPITAL NEEDS, upon third reading.

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

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 36, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Bingham, Blake, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Hagan, Hargett, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Purcell, Queen, Rand, Shaw, Shubert, Sloan, Smith, Stevens, Swindell, Thomas, Tillman and White—36.

Voting in the negative: Senators Berger, Brock, Pittenger and Webster—4.

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

#### WITHDRAWAL FROM CALENDAR

**S.B. 991** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE STATE GOVERNMENT INFORMATION TECHNOLOGY PLANNING, ADOPT STANDARDS, MAKE PROJECT DEVELOPMENT MORE EFFICIENT, REDUCE COST OVERRUNS, PROVIDE ASSISTANCE TO STATE AGENCIES, AND INCREASE ACCOUNTABILITY, placed on the Calendar for Tuesday, July 13.

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Senator Rand offers a motion that the bill be withdrawn from the Calendar for July 13, and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the Calendar for Tuesday, July 13, and places it on today's Calendar, for concurrence in the House Committee Substitute bill.

**CALENDAR** (*continued*)

**H.B. 1356**, A BILL TO BE ENTITLED AN ACT TO ENACT THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO ADMINISTER SUBSTANCE ABUSE ASSESSMENTS, TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR SUBSTANCE ABUSE ASSESSMENTS, TO STUDY THE MINIMUM QUALIFICATIONS OF INDIVIDUALS CONDUCTING ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOLS, AND TO STUDY THE FEE PAID BY DWI OFFENDERS FOR EDUCATION OR TREATMENT SERVICES, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 38, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Hagan, Hargett, Horton, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Shaw, Shubert, Sloan, Smith, Stevens, Swindell, Thomas, Tillman and White—38.

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

The bill is ordered enrolled and sent to the Governor by special message.

**H.B. 1795** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUTHORIZATION FOR SPECIAL INDEBTEDNESS FOR YOUTH DEVELOPMENT CENTERS, upon third reading.

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

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Hagan, Hargett, Hartsell, Horton, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Malone, Moore, Pittenger, Purcell, Queen, Rand, Shaw, Shubert, Sloan, Smith, Stevens, Swindell, Thomas, Tillman, Webster and White—41.

Voting in the negative: None.

The bill is ordered enrolled and sent to the Governor by special message.

**H.B. 173** (Senate 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.

Senator Kinnaird offers Amendment No. 1.

Upon motion of Senator Kinnaird, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced with Amendment No. 1 pending.

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**H.B. 1083** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE WATER CONSERVATION IN MULTIFAMILY RESIDENTIAL PROPERTIES BY AMENDING VARIOUS STATE LAWS REGARDING THE USE OF SUBMETERS IN LIGHT OF CHANGES IN POLICY RELATED TO WATER TESTING REQUIREMENTS AND WATER CONSERVATION BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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.B. 1449** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT.

The Senate Committee Substitute bill No. 2 passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill No. 2.

**H.B. 173** (Senate 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.

Upon motion of Senator Kinnaird, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 13, with Amendment No. 1 pending.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

**S.B. 1254** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE CRIMINAL RECORD CHECKS TO THE RESPIRATORY CARE BOARD FOR APPLICANTS FOR LICENSURE AND TO CHARGE A FEE FOR CONDUCTING THE CHECKS, for concurrence in House Amendment No. 1.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on today's Calendar for concurrence in House Amendment No. 1.

#### **CALENDAR** *(continued)*

**H.B. 1513**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM DEATH BENEFIT PAYABLE FROM THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The bill passes its second (43-0) and third readings and is ordered enrolled and sent to the Governor by special message.

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**H.B. 1594** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT AND EXTENDING TO LOCAL GOVERNMENTS ACTING JOINTLY THE SAME SETOFF DEBT COLLECTION PROCEDURES CURRENTLY ALLOWED TO LOCAL GOVERNMENTS ACTING ALONE.

Senator Albertson offers Amendment No. 1, which he subsequently withdraws.

The Senate Committee Substitute bill passes its second (38-5) 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. 1602** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE IMPOSITION ON PARTNERSHIPS OF THE DOLLAR AMOUNT LIMITATION ON THE CREDIT ALLOWED FOR REAL PROPERTY DONATIONS, as amended by the **Finance Committee** on July 8.

The Committee Substitute bill, as amended, passes its second (43-0) and third readings and is ordered sent to House of Representatives for concurrence in Senate Amendment No. 1.

**H.B. 1624**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CONTRIBUTORY DEATH BENEFIT FOR RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM.

*Without objection, Senator Stevens 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 enrolled and sent to the Governor by special message.

**S.B. 1254** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE CRIMINAL RECORD CHECKS TO THE RESPIRATORY CARE BOARD FOR APPLICANTS FOR LICENSURE AND TO CHARGE A FEE FOR CONDUCTING THE CHECKS, for concurrence in House Amendment No. 1, placed earlier on today's Calendar.

The Senate concurs in House Amendment No. 1 (43-0) and the measure is ordered enrolled and sent to the Governor by special message.

**H.J.R. 1807**, A JOINT RESOLUTION HONORING THE FOUNDERS OF DUKE POWER ON THE COMPANY'S 100TH ANNIVERSARY.

Upon motion of Senator Rand, the remarks of the members are spread upon the Journal, as follows:

**Senator Clodfelter:**

“Thank you, Madame President and members of the Senate. This is an opportunity that is becoming increasingly rare in North Carolina and that is to talk about a company that’s been with us for a hundred years and today shows no signs

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of senility or approaching death and, indeed, shows no prospect of abandoning us for sunnier shores elsewhere. We don't see that as much as we would like to given the transitions that are happening in North Carolina right now. But we have that opportunity today to celebrate the anniversary of such a company, Duke Power Company, which is one hundred years old, April 30, 1904. You have the resolution before you; I won't ask that it be read. It's a company with a storied history, not only here in our region but also worldwide as a leader, a company that has set a gold standard in its industry for performance, for responsibility and for service for every generation since its founding up to today. I could mention all of the founders. We could talk about each of them – Buck Duke, William States Lee, and Gill Wylie. I don't mean to slight any one of the members of this company's long, distinguished leadership, but many of you in the current times have known, respected and seen the work of Bill Lee, the grandson of William States Lee, the company's first engineer. Bill Lee, who took the company to a position of world prominence and whom I think is probably fair to say, more than any other individual, is responsible for the creation and the nurturing and the growth of the nuclear power industry in North Carolina and worldwide and helped define the parameters of responsible use of nuclear power for peaceful purposes and who jumped into the challenge when called upon to deal with the terrible accident at Chernobyl and Three Mile Island. Bill Lee represents a culture in a company that extends all the way from his position in the boardroom all the way to each and every line crew. I could say a lot about the company's history, but none of that would be as important as talking to you about the company's present and future because I think those are the things that we celebrate today and give thanks for. First, the fact that the company's leadership of today shares the same vision as its founders did a hundred years ago. There is no better testament to such a company than that its original founding values have the same vitality a hundred years later that they did when the idea was fresh and new in the minds of its founders. For this company was founded with one core, overriding mission – that was to stimulate and to foster the development of the economy of the Carolinas. To bring us out of a period of poverty, a period of defeat, a period of self-doubt, and to say that we could be the economic equals of the rest of the world. That was the purpose of Duke Power Company in 1904 and it is that same purpose today. In a time equally challenging for our States, Duke Power Company is recommitted to that original vision. Some of you attended the hundredth anniversary celebrations several weeks back in Charlotte and you heard the company's president, Ruth Shaw, speak of that vision in the terms of today's world. How do we rethink what it takes to make North Carolina an economic engine that serves its people and that leads the region in the world? I can think of no better partner for the State of North Carolina as we deal with the transitions in our economy than a company who's founding mission was the one I have described. The second thing I want to say about the company's present and its future – I mentioned the company was founded to foster the economy of the Carolinas. That was intentional. Not just North Carolina. You have on your desks a commemorative medallion and if you have opened the medallion and taken a look at it, its got on the face of the medallion a representation of the company's first power plant in April 1904. That power plant was built on the Catawba River in York County, South Carolina to serve as the company's first

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customer in York County, South Carolina. That's not an inconsequential thing for us to think about. When today, many of the problems that we face in North Carolina – air pollution, the quality of our streams and rivers, the protection of open space and the management of urban growth – are problems that we cannot address in isolation from that part of Carolina that was long ago assundered from us and is now called South Carolina. Today, Duke Power Company is an invaluable bridge between our two States and works daily to remind us that we are one Carolina again and to help us foster better understanding of our common challenges and our common opportunities. In celebration of this company's one hundred years, let me ask you to join me today in voting for the resolution and in wishing Duke Power Company, for all of our benefit, a hundred years more. I commend the resolution. Thank you."

**Senator Kerr:**

"I remember it was a number of years ago when we worked on the first economic development bill. It was kind of historic because we tried to use tiers to treat some of our counties different than others and we had the five-tier system. There was a tremendous amount of opposition to this concept, but we were able to work this out and, of course, this became the Bill Lee Act. It is not perfect, but it's what we had, and maybe we are improving on it. But it did show that we were concerned about all of North Carolina, one North Carolina. This was years ago before everybody got that as a popular political situation. I don't know if we are fulfilling that any, but we are a divided State. But Bill Lee was very sick. He was in New York, Senator Pittenger, and he flew down here to testify before a very hostile crowd of the members of this body. He was weak, and nobody knew it. He got on a plane after making a passionate plea to do something about One North Carolina and he flew back to New York and he died that night. The next day or two days, this bill came on the floor and I think it was Senator Odom representing Charlotte, and I believe he made the motion to rename this act, which had just a typical legislative name, in honor and memory of Bill Lee, a great, I guess visionary, to see that we can work for all North Carolina. It's not just Charlotte and Raleigh and Goldsboro, but there are a lot of other areas. I really admired this fellow and he was a hero. He came here in awful pain and was sick. I think he probably knew it and why we would take him up in the auditorium and let him get hit on by some people who thought this was a socialistic, some kind of a plan or something; I don't know what they were thinking about. I think maybe there were some of his same party, I don't know. But he stood tall, and I appreciate him and I think we did a good job, and I think Senator Odom probably had a good idea to do that, and it was just something that shows that working together we can build a One North Carolina. Not only was he a leader at Duke Power and Energy, in the State, NCCBI and all that, but he looked out for the whole State, and I'll always remember him. Thank you."

**Senator Pittenger:**

"In addition to the tremendous economic role that this great company has played over the last hundred years, and the service that they provided to the two million customers in North and South Carolina, I'd like to make note of just the way they've been recognized through the years. For the role that they've played in the Clean Air

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Smokestack Act, they received a Clean Air Excellence Award. They've received the Edison Electric Institute Emergency Response Award for the unique response that they played in the massive ice storm that we had a number of years ago. They have received the Industry Excellence Award for the advanced work that they've done on information systems. They received the Edison Award for being the number one power company in the country and they've received that an unprecedented three times. They received the Southwestern Electric Exchange Safety Performance Award for having low injuries along with the Edison Electric Institute Award for the fewest workplace injuries. Of value to each of us, they've received the first or second ranking throughout the country in customer satisfaction. Along with their service, they now have the Outstanding Stewardship of America's Rivers. Forty-five miles of fish trout streams and other tributaries that they've been honored for the protection of those streams. And, finally, the Financial Times Energy Award for the competitive pricing and service that they've provided. So, there is a tremendous amount of service that they've given our State, along with the accolades that they are rightfully due. I commend the resolution to you."

**Senator Sloan:**

"Of all the folks in here, I may have a unique perspective about Duke Power Company. I compete with them every day. But, I've got to say they are the gold standard for utilities in the country and for that I have the highest respect. But, I couldn't pass without my recollections of Bill Lee. I had the good fortune of having Bill Lee as an instructor. He was the Distinguished Lecturer at Queens College when I was trying to get my MBA, and I'll never forget, we had a lot of Duke Power's employees there in the same class. I can't help but recollect, this was before all the, I'd say almost the historic efforts that Mr. Lee made to make his company really competitive, and one of my fellow students asked Mr. Lee, 'Mr. Lee, how many employees work for you?' And I've told this story, and I've used it quite often. His response was, 'I guess about half.' And soon after that there was a series of layoffs. But he was a unique individual. I had the opportunity to see him in that setting. I was honored that he bestowed upon me my master's cap, which I still think highly of. But to work with him across the table as a competitor, I can't say enough great things about the man. He was everything that's been mentioned today and more – truly a leader in our industry and I think it's appropriate that we honor his company. Thank you."

**Senator Dannelly:**

"Thank you, Madame President. Out of all that fellow senators have said and I knew Bill Lee personally, also, Duke Power – Duke Energy – nationally, is the empirical example of what an excellent corporate citizen should be. I urge you to support this resolution."

**Senator Allran:**

"Thank you, Madame President, members of the Senate. I also wanted to mention one of the other founders being mentioned in this resolution and that's James Buck Duke. He had as much of an effect on the State of North Carolina as

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probably any other North Carolinian that's ever lived. In addition to working with his father, Washington Duke, and his brother, Benjamin Newton Duke, to found Duke University, he also set up the Duke Endowment. And, of course, some of the other great beneficiaries of that, besides Duke University, are Johnson C. Smith University and Davidson. Of course, the Duke Endowment endows hospitals all over North and South Carolina, Methodist churches, scholarships, and pays for the education of Methodist ministers. Probably a lot of people in here know or have been associated with through the arts, Mary D.B.D. Siemens, the granddaughter of Buck Duke's brother, Benjamin Newton Duke. The effect of this individual on North Carolina history really can hardly be, you can hardly even talk about it in a few words. Many books have been written on it. He has had that much affect on the people of this State. Since the resolution talks about Lake Norman, I also didn't want to go by without saying that Lake Hickory was also built by Duke Power, except it was an old lake by the time Lake Norman was even built. Lake Norman is the new fellow on the block – 1963 I think it was. But Lake Hickory was founded in 1925 or built in 1925. Also, to mention another lake that Duke Power built was Lake James and we had legislation this year that has gone through here successfully to develop Lake James with the help of Duke Power. Duke Power, or Crescent Resources, kindly and cooperatively and wonderfully, sold that property for purposes of what we're doing here with the General Assembly at forty percent of the market value – a sixty percent decrease of what we could have been charged for it. So I would just like to say, really, that what Duke Power has done for this State has really built the State and so I urge your support for this resolution. Thank you.”

The joint resolution passes its second (42-0) and third readings and is ordered enrolled.

The Senate recesses at 11:26 A.M. to reconvene at 11:45 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. 470** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE LAW AFFECTING THE COMPENSATION OF TRUSTEES AND OTHER FIDUCIARIES.

Upon motion of Senator Hartsell, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 13, for concurrence in the House 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:

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

**H.B. 1112** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT REQUIREMENTS APPLICABLE TO NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND ANIMAL WASTE MANAGEMENT PLANS GOVERNING ANIMAL FEEDING OPERATIONS TO MAKE THE STATE PERMIT REQUIREMENTS CONSISTENT WITH FEDERAL REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, 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, 80481, is adopted and engrossed.

Upon motion of Senator Hoyle, the rules are suspended and the Senate Committee Substitute bill No. 3 is placed on today's Calendar.

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

#### **CALENDAR** *(continued)*

**H.B. 1112** (Senate Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT REQUIREMENTS APPLICABLE TO NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND ANIMAL WASTE MANAGEMENT PLANS GOVERNING ANIMAL FEEDING OPERATIONS TO MAKE THE STATE PERMIT REQUIREMENTS CONSISTENT WITH FEDERAL REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, placed earlier on today's Calendar.

The Senate Committee Substitute bill No. 3 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 No. 3.

#### **REPORTS OF COMMITTEES**

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

By Senator Hagan for the **Pensions & Retirement and Aging Committee**:

**H.B. 1723** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EXISTING CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' MAJOR MEDICAL PLAN, with a favorable report.

Upon motion of Senator Hagan, the Senate Committee Substitute bill is referred to the **Select Committee on Employee Hospital and Medical Benefits Committee**.

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

**H.B. 1354** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST DOMESTIC VIOLENCE, TO PROVIDE ADDITIONAL ASSISTANCE TO DOMESTIC VIOLENCE VICTIMS, AND TO MAKE OTHER CHANGES AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE, with a favorable report.

Upon motion of Senator Dalton, the rules are suspended and the Senate Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

The Senate Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 40, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Hagan, Hargett, Hartsell, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Shubert, Smith, Stevens, Swindell, Thomas, Tillman, Webster and White—40.

Voting in the negative: Senator Horton—1.

The Senate Committee Substitute bill No. 2 remains on the Calendar for Monday, July 12, upon third reading.

### ENROLLED BILLS

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

**S.B. 1254**, AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE CRIMINAL RECORD CHECKS TO THE RESPIRATORY CARE BOARD FOR APPLICANTS FOR LICENSURE AND TO CHARGE A FEE FOR CONDUCTING THE CHECKS.

**H.B. 1356**, AN ACT TO ENACT THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO ADMINISTER SUBSTANCE ABUSE ASSESSMENTS, TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR SUBSTANCE ABUSE ASSESSMENTS, TO STUDY THE MINIMUM QUALIFICATIONS OF INDIVIDUALS CONDUCTING ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOLS, AND TO STUDY THE FEE PAID BY DWI OFFENDERS FOR EDUCATION OR TREATMENT SERVICES.

**H.B. 1624**, AN ACT TO INCREASE THE CONTRIBUTORY DEATH BENEFIT FOR RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM.

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**H.B. 1795**, AN ACT TO MODIFY THE AUTHORIZATION FOR SPECIAL INDEBTEDNESS FOR YOUTH DEVELOPMENT CENTERS.

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. 1265**, AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN ORANGE AND CHATHAM COUNTIES TO MEMORIALIZE A 1989 AGREEMENT BETWEEN THOSE TWO COUNTIES WHICH WAS ALREADY REFLECTED IN THE 2000 CENSUS.

**S.B. 1356**, AN ACT TO TRANSFER CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE TO THE TOWN OF WHITSETT, SUCH PROPERTY BEING TOTALLY SURROUNDED BY THE TOWN OF WHITSETT.

**H.B. 1649**, AN ACT TO AUTHORIZE WAKE COUNTY TO REGULATE THE USE OF IMPAIRING SUBSTANCES WHILE HUNTING WITH FIREARMS.

**H.J.R. 1807**, A JOINT RESOLUTION HONORING THE FOUNDERS OF DUKE POWER ON THE COMPANY'S 100TH ANNIVERSARY. (Res. 2004-12)

#### CONFERENCE REPORT

Senator Hoyle for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **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, 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 676, 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, House Committee Substitute Favorable 7/10/03, Fourth Edition Engrossed 7/20/03, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 7/10/03, Fourth Edition Engrossed 7/20/03, and the Senate concurs in the House Committee Substitute as amended:

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Delete the entire House Committee Substitute Favorable 7/10/03, Fourth Edition Engrossed 7/20/03, and substitute the attached Proposed Conference Committee Substitute S676-PCCS65471-RO-2.

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

Date Conferees approved report: July 9, 2004.

*Conferees for the Senate*

S/David W. Hoyle, Chair  
S/Walter H. Dalton  
Clark Jenkins  
S/Fred Smith

*Conferees for the House of Representatives*

S/Harold Brubaker, Chair  
S/Paul Luebke  
Walter Church, Sr.  
S/Julia C. Howard

The text of the attached Proposed Conference Committee Substitute, PCCS S676-PCCS65471, which changes the title, is as follows:

A BILL TO BE ENTITLED

AN ACT TO AMEND CERTAIN BANKING LAWS OF NORTH CAROLINA AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE NEED FOR FURTHER AMENDMENTS TO THE STATE BANKING LAWS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 53-48 reads as rewritten:

"§ 53-48. **Limitation of loans.**

(a) The total loans and extensions of credit, both direct and indirect, by a bank to a person, other than a municipal corporation for money borrowed, including in the liabilities of a firm the liabilities of the several members thereof, outstanding at one time and not fully secured, as determined in a manner consistent with subsection (b) of this section, by collateral having a market value at least equal to the amount of the loan or extension of credit shall not exceed the greater of fifteen percent (15%) of the unimpaired capital fund of the bank-bank or the percentage permitted for national banks in this State by statute or regulation of the Comptroller of the Currency.

(b) The total loans and extensions of credit, both direct and indirect, by a bank to a person outstanding at one time and fully secured by readily marketable collateral having a market value, as determined by reliable and continuously available price quotations, at least equal to the amount of the fund-loan or extension of credit outstanding shall not exceed the greater of ten percent (10%) of the unimpaired capital fund of the bank-bank or the percentage permitted for national banks by statute or regulation of the Comptroller of the Currency. This limitation shall be separate from and in addition to the limitation contained in subsection (a) above of this section.

(c) The discount of bills of exchange drawn in good faith against actual existing values, the discount of solvent trade acceptances or other solvent commercial or business paper actually owned by the person negotiating the same, loans or extensions of credit secured by a segregated deposit account in the lending

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bank, the purchase of bankers acceptances of the kind described in section 13 of the Federal Reserve Act and issued by other banks, and the purchase of any notes and the making of any loans, secured by not less than a like face amount of bonds of the United States, or an agency of the United States, or other obligations guaranteed by the United States Government, or State of North Carolina or certificates of indebtedness of the United States, or agency thereof, or other obligations guaranteed by the United States Government, shall not be considered as money borrowed within the meaning of this section: Provided, however, that the limitations of this section shall not apply to loans or obligations to the extent that they are secured or covered by guarantees or by commitments or agreements to take over or purchase the same, made by any federal reserve bank or by the United States or any department, board, bureau, commission or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States.

(d) For purposes of this section, the term "person" shall be deemed to include an individual, or a corporation, partnership, trust, association, joint venture, pool, syndicate, sole proprietorship, unincorporated organization or any other form of entity not specifically listed herein. Loans or extensions of credit to one person include loans made to other persons when the proceeds of the loans or extensions of credit are to be used for the direct benefit of the first person or the persons are engaged in a common enterprise. The Commissioner of Banks shall monitor the lending activities of banks under this section for undue credit concentrations and inadequate risk diversification which could adversely affect the safety and soundness of such banks."

**SECTION 2.** G.S. 53-67 reads as rewritten:

**"§ 53-67. Banks controlled by boards of directors.**

The corporate powers, business, and property of banks doing business under this Chapter shall be exercised, conducted, and controlled by its board of directors, which shall meet at least quarterly. Such board shall consist of not less than five directors, to be chosen by the stockholders, and shall hold office for the term for which they are elected, and until their successors are elected and qualified. The annual meeting of stockholders for the election of directors shall be held at such time as may be designated by the charter or the bylaws of the bank but shall be held not later than ~~the thirtieth day of June in each year.~~ June 30 each year; provided, however, that any bank which has been open for business for fewer than 12 months as of June 30 of the current year shall hold its first annual meeting by not later than June 30 of the following year. In addition to the foregoing powers relating to the fixing of the number and the election of directors, the stockholders of a bank, at any stockholders' meeting, special or annual, may authorize not more than two additional directorships which may be left unfilled and to be filled in the discretion of the directors of the institution during the interval between such stockholders' meetings. Aside from the specific provisions of this section, the number, election, term and classification of the directors of banks doing business under this Chapter shall be governed by the provisions of the North Carolina Business Corporation Act."

**SECTION 3.** G.S. 53-99(b)(7b) reads as rewritten:

"(7b) Records of applications, examinations, and investigations of registrants, applicants, licensees, and exempt persons under the Mortgage Lending Act, Article 19A of this Chapter;"

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**SECTION 4.** G.S. 53-115 reads as rewritten:**"§ 53-115. State Banking Commission to ~~make rules and regulations, adopt rules,~~**

(a) ~~The State Banking Commission is hereby authorized, empowered and directed to make all necessary rules and regulations, and to give all necessary instructions with respect to such actions of banking corporations which the Commissioner of Banks may authorize, permit and/or direct and require to be conducted under the provisions of G.S. 53-77, 53-114, 53-115, and 53-116. And it shall be the duty of all such banking corporations and their officers, agents and employees, to comply fully with any and all such rules, regulations and instructions, established and promulgated by the State Banking Commission with respect to such banking corporations under the terms of G.S. 53-77, 53-114, 53-115, and 53-116; and such orders, rules, and regulations shall have the same force and effect as rules, regulations and instructions promulgated under the existing banking laws, with respect to the establishment, operation, conduct, and termination of any and all activities and businesses that are subject to licensing, regulation, supervision, or examination by the Commissioner of Banks under this Chapter.~~

(b) ~~The rule-making authority conferred on the State Banking Commission by this section shall be in addition to and not in derogation of any specific rule-making authority by any other provision of this Chapter."~~

**SECTION 5.** G.S. 53-160 reads as rewritten:**"§ 53-160. License to do business.**

~~Before any such bank or trust company is authorized to act in any fiduciary capacity without bond, it must be licensed by the Commissioner of Banks of the State. For such license the licensee, for the purpose of defraying necessary expenses of the Commissioner of Banks and the Commissioner's agents in supervising and examining the licensee, shall pay to the State Banking Commission an annual license fee of two hundred dollars (\$200.00), which shall be remitted to the State Treasurer for the use of the Commissioner of Banks in the supervision of banks and trust companies acting in a fiduciary capacity, insofar as it may be necessary, and the surplus, if any, shall remain in the State treasury for the use of the general fund of the State. Commissioner of Banks an annual license fee not to exceed five hundred dollars (\$500.00) as required by rule of the State Banking Commission. Provided, however, that a national bank which has been granted trust powers by the Comptroller of the Currency or his duly authorized agent shall be annually licensed as required in this section and shall be granted a certificate of solvency which will meet the provisions of G.S. 53-162 without examination by the Commissioner of Banks as required in G.S. 53-161."~~

**SECTION 6.** G.S. 53-208.12 reads as rewritten:**"§ 53-208.12. Quarterly reports.**

~~A licensee shall file for each calendar quarter, no later than 60 days after the quarter has ended, a report which contains the total number of authorized delegates in this State. In addition, a licensee shall promptly provide any additional information regarding any or all of its current and prior authorized delegates requested by the Commissioner."~~

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**SECTION 7.** G.S. 53-243.02(c) reads as rewritten:

"(c) The license of a loan officer is not effective during any period when that person is not employed by a mortgage broker or mortgage banker licensed under this Article. The license of an exclusive mortgage broker is not effective during any period when that person is not authorized to act as a single licensee or exempt person pursuant to G.S. 53-243.05(c)(1a).

When a loan officer ceases to be employed by a mortgage broker or mortgage banker licensed under this Article, the loan officer and the mortgage broker or mortgage banker licensed under this Article by whom that person is employed shall promptly notify the Commissioner in writing. When the authority of an exclusive mortgage broker to act on behalf of the principal licensee or exempt person identified in G.S. 53-243.05(c)(1a) has been terminated, the exclusive mortgage broker and the licensee or exempt person for whom the exclusive mortgage broker is an agent shall promptly notify the Commissioner in writing. The mortgage broker, mortgage banker, or exempt person's notice shall include a statement of the specific reason or reasons for, as applicable, the termination of the loan officer's employment or exclusive mortgage broker's authority.

A loan officer shall not be employed simultaneously by more than one mortgage broker or mortgage banker licensed under this Article."

**SECTION 8.** G.S. 53-243.05(a)(6) reads as rewritten:

"(6) The applicant's consent to a federal and State criminal history record check and a set of the applicant's fingerprints in a form acceptable to the Commissioner. In the case of an applicant that is a corporation, partnership, limited liability company, association, or trust, each individual who has control of the applicant or who is the managing principal or a branch manager shall consent to a federal and State criminal history record check and submit a set of that individual's fingerprints pursuant to this subdivision. Refusal to consent to a criminal history record check ~~may constitute~~ constitutes grounds for the Commissioner to deny licensure to the ~~applicant~~ applicant as well as to any entity (i) by whom or by which the applicant is employed, (ii) over which the applicant has control, or (iii) as to which the applicant is the current or proposed managing principal or a current or proposed branch manager."

**SECTION 9.** G.S. 53-243.06(b1) reads as rewritten:

"(b1) When required by the Commissioner, ~~the licensee~~ each individual described in G.S. 53-245.05(a)(6) shall furnish to the Commissioner the licensee's his or her consent to a criminal history record check and a set of ~~the licensee's~~ his or her fingerprints in a form acceptable to the Commissioner. Refusal to consent to a criminal history record check may constitute grounds for the Commissioner to deny renewal of ~~licensure to the licensee~~ the license of the person as well as the license of any other person by which he or she is employed, over which he or she has control, or as to which he or she is the current or proposed managing principal or a current or proposed branch manager."

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**SECTION 10.** G.S. 53-243.11 is amended by adding a new subdivision to read:

"(12) To fail to comply with the mortgage loan servicing transfer, escrow account administration, or borrower inquiry response requirements imposed by sections 6 and 10 of the Real Estate Settlement Procedures Act (RESPA), 12 U.S.C. § 2605 and § 2609, and regulations adopted thereunder by the Secretary of the Department of Housing and Urban Development."

**SECTION 11.** G.S. 53-243.12(a)(2) reads as rewritten:

- "(2) That any of the following circumstances apply to the applicant, licensee, or any partner, member, manager, officer, director, loan officer, ~~managing broker,~~ principal, or any person occupying a similar status or performing similar functions or any person directly or indirectly controlling the applicant or licensee. The person:
- a. Has filed an application for license that, as of its effective date or as of any date after filing, contained any statement that, in light of the circumstances under which it was made, is false or misleading with respect to any material fact.
  - b. Has violated or failed to comply with any provision of this Article, rule adopted by the Commissioner, or order of the Commissioner.
  - c. Has been convicted of any felony, or, within the past 10 years, has been convicted of any misdemeanor involving mortgage lending or any aspect of the mortgage lending business, or any offense involving breach of trust, moral turpitude, or fraudulent or dishonest dealing.
  - d. Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the mortgage lending business.
  - e. Is the subject of an order of the Commissioner denying, suspending, or revoking that person's license as a mortgage broker or mortgage banker.
  - f. Is the subject of an order entered within the past five years by the authority of any state with jurisdiction over that state's mortgage brokerage or mortgage banking industry denying or revoking that person's license as a mortgage broker or mortgage banking industry or denying or revoking that person's license as a mortgage broker or mortgage banker.
  - g. Does not meet the qualifications or the financial responsibility, character, or general fitness requirements under G.S. 53-243.05 or any bond or capital requirements under this Article.

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- h. Has been the executive officer or controlling shareholder or owned a controlling interest in any mortgage broker or mortgage banker who has been subject to an order or injunction described in sub-subdivision d., e., or f. of this subdivision.
- i. Has failed to pay the proper filing or renewal fee under this Article. However, the Commissioner may enter only a denial order under this sub-subdivision, and the Commissioner shall vacate the order when the deficiency has been corrected."

**SECTION 12.** G.S. 53-243.12(g) reads as rewritten:

"(g) If the Commissioner has reasonable grounds to believe that a licensee or other person has violated the provisions of this Article or that facts exist that would be the basis for an order against a licensee or other person, the Commissioner may at any time, either personally or by a person duly designated by the Commissioner, investigate or examine the loans and business of the licensee and examine the books, accounts, records, and files of any licensee or other person relating to the complaint or matter under investigation. The Commissioner may require any licensee or other person to submit a consent to a criminal history record check and a set of that person's fingerprints in a form acceptable to the Commissioner in connection with any examination or investigation. Refusal to submit the requested criminal history record check or a set of fingerprints shall be grounds for disciplinary action. The reasonable cost of this investigation or examination shall be charged against the licensee."

**SECTION 13.** G.S. 53-243.12(k) reads as rewritten:

"(k) If the Commissioner finds that the managing principal, branch manager, or loan officer of a licensee had knowledge of or reasonably should have had knowledge of, or participated in, any activity that results in the entry of an order under this section suspending or withdrawing the license of a licensee, the Commissioner may prohibit the branch manager, managing broker-principal, or loan officer from serving as a branch manager, managing broker-principal, or loan officer for any period of time the Commissioner deems necessary."

**SECTION 14.** G.S. 53-243.16 reads as rewritten:

**"§ 53-243.16. Criminal history record checks.**

(a) The Department of Justice may provide a criminal record check to the Commissioner for ~~a~~any person who has applied for or holds a mortgage banker, mortgage broker, exclusive mortgage broker, or loan officer license through the Commissioner under this Article.

(b) In addition, if a person described in subsection (a) of this section is a corporation, partnership, limited liability company, association, or trust, the Department of Justice may provide a criminal history record check to the Commissioner for any person who has control of that person, or who is the managing principal or a branch manager of that person.

(c) The Commissioner shall provide to the Department of Justice, along with the request, the fingerprints of the applicant, person, any additional information required by the Department of Justice, and a form signed by the applicant-person

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consenting to the check of the criminal record and to the use of the fingerprints and other identifying information required by the State or national repositories. The ~~applicant's~~ person's fingerprints shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of the fingerprints to the Federal Bureau of Investigation for a national criminal history check. The Commissioner shall keep all information pursuant to this section privileged, in accordance with applicable State law and federal guidelines, and the information shall be confidential and shall not be a public record under Chapter 132 of the General Statutes.

The Department of Justice may charge a fee for each ~~applicant-person~~ for conducting the checks of criminal history records authorized by this section."

**SECTION 15.** G.S. 53-257(6) reads as rewritten:

"(6) Reverse mortgage loan or loan. – A loan for a definite or indefinite term (i) secured by a first mortgage or first deed of trust on the principal residence of the ~~mortgagor,~~ mortgagor located in North Carolina, (ii) the proceeds of which are disbursed to the mortgagor in one or more lump sums, or in equal or unequal installments, either directly by the lender or the lender's agent, and (iii) that requires no repayment until a future time, upon the earliest occurrence of one or more events specified in the reverse mortgage loan contract."

**SECTION 16.** G.S. 53-258 reads as rewritten:

"§ 53-258. **Authority and procedures governing reverse mortgage loans.**

(a) ~~No-Except as provided in subsection (b1) of this section, no person, firm, or corporation shall engage in the business of making reverse mortgage loans without first being approved as an authorized reverse mortgage lender by the Commissioner, unless the lender is the North Carolina Housing Finance Agency, or is a bank, savings institution, or credit union authorized to do business under the laws of this State or authorized to do business under the laws of the United States and chartered to do business in this State.~~ Commissioner. Mortgage lenders licensed under Article 19A of this Chapter must also be authorized under this Article before making reverse mortgage loans.

(b) An application for authorization to make reverse mortgage loans shall be in writing to the Commissioner and in the form prescribed by the Commissioner. The application shall contain the name and complete business address or addresses of the applicant. The application shall also include affirmation of financial solvency and all capitalization requirements that are required by the Commissioner. The application shall be accompanied by a nonrefundable fee, payable to the Commissioner, of five hundred dollars (\$500.00).

(b1) Each of the following lenders shall be considered authorized to engage in the business of making reverse mortgage loans without being required to apply pursuant to subsection (b) of this section and may represent to the public that it is so authorized:

- (1) The North Carolina Housing Finance Agency.
- (2) A bank, savings institution, or credit union formed under the laws of this or any other state or of the United States.
- (3) A wholly owned subsidiary of an entity described in subdivision (2) of this subsection.

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Each lender listed in this subsection may, upon written request to the Commissioner of Banks, obtain written confirmation of its authority to engage in the business of making reverse mortgage loans. In the case of lenders listed in subdivisions (2) and (3) of this subsection, the request shall be accompanied by the fee set forth in subsection (d) of this section.

~~(e) The North Carolina Housing Finance Agency, and any bank, savings institution, or credit union that is not required to obtain authorization to make reverse mortgage loans under subsection (a) of this section, shall, prior to making any reverse mortgage loan, notify the Commissioner of its intent to make reverse mortgage loans. This notification shall be made on a form prescribed by the Commissioner and shall contain all information required by the Commissioner.~~

(d) The Commissioner shall, upon determination that ~~a lender an applicant~~ should be authorized to make reverse mortgage loans, issue notice of this authority to the lender. The authority to issue reverse mortgage loans is valid for the period of time specified by the Commissioner. A lender to whom a notice of authority is issued shall display the notice prominently in any and all offices of the lender that make reverse mortgage loans. Authorizations issued under this section are ~~nontransferable and subject to nontransferable~~. Except for lenders described in subsection (b1) of this section, each lender to which an authorization is issued shall pay an annual renewal fee of two hundred fifty dollars (\$250.00)."

**SECTION 17.** The Legislative Research Commission shall undertake a comprehensive study of those laws, including Chapters 53, 54B, and 54C of the General Statutes, which affect the establishment and operation of banks in North Carolina and shall make recommendations to the 2005 General Assembly, prior to the convening of the 2006 Regular Session as to which laws (i) are obsolete, unnecessary, or duplicative, (ii) are unnecessarily inconsistent in the treatment of banks, savings and loan associations, and savings banks, and (iii) unnecessarily restrict, impede, or prohibit activities of banks, savings and loan associations, and savings banks or the ability of the Commissioner of Banks to regulate banks and savings institutions in an effective, efficient, and equitable manner.

In preparing its recommendations, the Commission shall actively solicit and consider information received from representatives of banks, savings and loan associations, savings banks, the State Banking Commission, the Commissioner of Banks and the Commissioner's staff, other interested parties, and the general public.

**SECTION 18.** This act becomes effective October 1, 2004, and applies to acts occurring and transactions or agreements entered into on or after that date.

With unanimous consent, upon motion of Senator Hoyle, the rules are suspended and the Conference Report is placed on today's Calendar for adoption.

Upon motion of Senator Hoyle, the Senate adopts the Conference Report (40-1).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

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

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**CALENDAR** *(continued)*

**H.B. 1453** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS F FELONY TO DISCHARGE A FIREARM ON EDUCATIONAL PROPERTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE.

Senator Smith offers Amendment No. 1 which is adopted (41-0).

The Senate Committee Substitute bill, as amended, passes its third reading (41-0) and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

**S.B. 1118** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDISTRIBUTE THE FUNDS DERIVED FROM THE FIRST IN FORESTRY SPECIAL PLATE, TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO AUTHORIZE DMV TO ISSUE THE FOLLOWING NEW SPECIAL PLATES: DAUGHTERS OF THE AMERICAN REVOLUTION, EL PUEBLO, HOMES4NC, NC 4-H DEVELOPMENT FUND, SPORT FISHING, COMMERCIAL FISHING, AND A HIGH SCHOOL INSIGNIA PLATE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Kerr, the Senate fails to concur in the House Committee Substitute bill (1-40).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

**S.B. 1202** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE MINIMUM HORIZONTAL SEPARATION DISTANCES BETWEEN A SUBSURFACE WASTEWATER DISPOSAL SYSTEM TO BE LOCATED ON A LOT OR TRACT OF LAND PLATTED PRIOR TO 1 JULY 1977, THAT WILL BE OPERATED IN SAND OR LOAMY SAND SOILS, AND THAT MEETS CERTAIN OTHER REQUIREMENTS, AND ANY OTHER SUBSURFACE WASTEWATER DISPOSAL SYSTEM, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the President orders, without objection, the House Committee Substitute bill temporarily displaced.

**S.B. 1312** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PARTICIPATION IN 457 PLANS BY LOCAL GOVERNMENTAL EMPLOYEES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dorsett, the Senate concurs in the House Committee Substitute bill (41-0) and the measure is ordered enrolled and sent to the Governor by special message.

**S.B. 1384** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING AND AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO

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ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Albertson, the Senate fails to concur in the House Committee Substitute bill (1-40).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

**S.B. 1202** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE MINIMUM HORIZONTAL SEPARATION DISTANCES BETWEEN A SUBSURFACE WASTEWATER DISPOSAL SYSTEM TO BE LOCATED ON A LOT OR TRACT OF LAND PLATTED PRIOR TO 1 JULY 1977, THAT WILL BE OPERATED IN SAND OR LOAMY SAND SOILS, AND THAT MEETS CERTAIN OTHER REQUIREMENTS, AND ANY OTHER SUBSURFACE WASTEWATER DISPOSAL SYSTEM, for concurrence in the House Committee Substitute bill, temporarily displaced earlier.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (41-0) and the measure is ordered enrolled and sent to the Governor by special message.

**S.B. 991** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE STATE GOVERNMENT INFORMATION TECHNOLOGY PLANNING, ADOPT STANDARDS, MAKE PROJECT DEVELOPMENT MORE EFFICIENT, REDUCE COST OVERRUNS, PROVIDE ASSISTANCE TO STATE AGENCIES, AND INCREASE ACCOUNTABILITY, for concurrence in the House Committee Substitute bill, placed earlier on today's Calendar.

Upon motion of Senator Reeves, the Senate fails to concur in the House Committee Substitute bill (0-41).

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  
July 9, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for **H.B. 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, and requests conferees.

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Speaker Black has appointed:

Representative Hilton, Co-Chair  
Representative A. Williams, Co-Chair  
Representative Gibson  
Representative Goforth  
Representative Lewis, and  
Representative Sexton

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

Respectfully,  
S/Denise Weeks  
Principal Clerk

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**S.B. 991** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE STATE GOVERNMENT INFORMATION TECHNOLOGY PLANNING, ADOPT STANDARDS, MAKE PROJECT DEVELOPMENT MORE EFFICIENT, REDUCE COST OVERRUNS, PROVIDE ASSISTANCE TO STATE AGENCIES, AND INCREASE ACCOUNTABILITY.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 991 earlier today and the motion by Senator Reeves to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Reeves, Chair, Senator Rand 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 and requesting conferees.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**H.B. 817** (Senate Committee Substitute), 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 AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIONAL RIFLE ASSOCIATION SPECIAL REGISTRATION PLATE.

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. 817 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Thomas, Chair; Senator Hargett; 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.

Upon motion of Senator Basnight, seconded by Senator Stevens, the Senate adjourns subject to receipt of committee reports and messages from the House of Representatives, to meet Monday, July 12, at 7:00 P.M.

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**SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

**S.B. 852** (House 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; 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, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 12, for concurrence in the House Committee Substitute bill.

**S.B. 1043** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING CERTAIN MATERIALS AND TO PROVIDE THAT A LAW ENFORCEMENT OFFICER CANNOT ISSUE A CITATION TO A PERSON FOR FAILING TO HAVE IN HIS POSSESSION A SPECIAL PERMIT FOR VEHICLES OF EXCESSIVE SIZE AND WEIGHT IF THE OFFICER DETERMINES THAT THE PERSON HAS BEEN ISSUED A PERMIT AND THE PERSON SUBMITS THE PERMIT WITHIN THIRTY DAYS OF THE VIOLATION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 12, for concurrence in the House Committee Substitute bill.

**S.B. 1145** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, TO CLARIFY THAT THE CREDIT FOR CREATING JOBS IS ALLOWED ONLY FOR NEW JOBS CREATED IN THIS STATE, AND TO PROHIBIT THE USE OF FUTURE ROOM TAX COLLECTIONS IN CERTAIN COUNTIES AND CITIES TO DEVELOP OR CONSTRUCT A HOTEL OR SIMILAR LODGING FACILITY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 12, for concurrence in the House Committee Substitute bill.

**S.B. 1244** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA CEMETERY COMMISSION TO INCREASE CERTAIN FEES, MAKING CLARIFYING CHANGES UNDER THE NORTH CAROLINA CEMETERY ACT, AND MODIFYING THE FORMULA USED TO DETERMINE THE ENTERPRISE TIER DESIGNATION OF A COUNTY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 12, for concurrence in the House Committee Substitute bill.

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**S.B. 1305** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE TOWN OF ANGIER, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is referred to the **Finance Committee**.

**H.B. 1422** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN MINT HILL AND MUNICIPAL EMPLOYEES AND LAW ENFORCEMENT OFFICERS OF THE CITY OF KINGS MOUNTAIN TO OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

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

**H.B. 1700** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE DURHAM CITY ADDITIONAL MUNICIPAL VEHICLE TAX AND CONCERNING THE PURPOSES FOR WHICH THOSE FUNDS MAY BE EXPENDED.

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 Clodfelter for the **Judiciary I Committee**:

**H.B. 1345**, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70504, which changes the title to read **H.B. 1345** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STATE HIGHWAY PATROL MOTOR CARRIER ENFORCEMENT OFFICERS AND OFFICERS OF THE DIVISION OF MOTOR VEHICLES TO ENFORCE CERTAIN CRIMINAL LAWS, TO EXTEND THE TEMPORARY RULE-MAKING PERIOD FOR THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR ELECTRONIC BIDDING, AND TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, is adopted and engrossed.

**H.B. 1519** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT CRIMINALS FROM PROFITING FROM THEIR CRIMES AND TO BETTER ENABLE CRIME VICTIMS TO SATISFY RESTITUTION ORDERS

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AND CIVIL JUDGMENTS ENTERED AGAINST THEIR OFFENDERS FROM THE OFFENDERS' ASSETS, WHICH MAY INCLUDE PROFIT FROM CRIME, 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 30578, is adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 2:22 P.M.

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### ONE HUNDRED FORTY-THIRD DAY

Senate Chamber  
Monday, July 12, 2004

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

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

"Dear Lord, it's too bad that we live in a culture that is so suspicious of generosity.

"Our hesitancy to receive is easily understood. Strings! Nearly everything appearing to be a gift is really someone's deal in disguise and we end up saying thanks, but no thanks.

"O God, it is regrettable that we avoid you and the friendship that could transform our lives because of our suspicions of even your generosity.

"You attach no strings to your gracious gifts to us. Help us to live this week in confidence of that fact and truth. Amen."

The Chair grants leaves of absence for tonight to Senator Dannelly, Senator Holloman, Senator Hoyle and Senator Malone.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Friday, July 9, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The President of the Senate extends courtesies of the floor to Dr. Elizabeth Kanof from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Celeste Toombs from Durham, North Carolina, who is serving the Senate as Nurse of the Day.*

### ENROLLED BILLS

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

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**S.B. 754**, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE STOCK CAR RACING THEME SPECIAL PLATES.

**S.B. 1078**, AN ACT TO AMEND THE VEHICLE CONTROL SIGN AND SIGNAL LAW.

**S.B. 1202**, AN ACT TO SPECIFY THE MINIMUM HORIZONTAL SEPARATION DISTANCES BETWEEN A SUBSURFACE WASTEWATER DISPOSAL SYSTEM TO BE LOCATED ON A LOT OR TRACT OF LAND PLATTED PRIOR TO 1 JULY 1977, THAT WILL BE OPERATED IN SAND OR LOAMY SAND SOILS, AND THAT MEETS CERTAIN OTHER REQUIREMENTS, AND ANY OTHER SUBSURFACE WASTEWATER DISPOSAL SYSTEM.

**S.B. 1210**, AN ACT TO PROVIDE FOR THE TEMPORARY IMPLEMENTATION OF FEDERAL PHASE II STORMWATER MANAGEMENT REQUIREMENTS BY PROVIDING: (1) THAT LOCAL GOVERNMENT APPLICATIONS FOR PHASE II STORMWATER PERMITS THAT WERE SUBMITTED IN ACCORDANCE WITH THE TEMPORARY STORMWATER RULE WILL BE DEEMED TIMELY RECEIVED; (2) STANDARDS FOR THE EVALUATION OF APPLICATIONS FOR PHASE II STORMWATER PERMITS; (3) AN EXEMPTION FROM PHASE II STORMWATER PERMIT REQUIREMENTS FOR CERTAIN SMALL MUNICIPALITIES; (4) THAT NEW DEVELOPMENT AND REDEVELOPMENT LOCATED IN A REGULATED COVERAGE AREA MUST COMPLY WITH THE STORMWATER MANAGEMENT RULE; (5) THAT THE ENVIRONMENTAL MANAGEMENT COMMISSION WILL ADMINISTER AND ENFORCE THE STORMWATER MANAGEMENT RULE IN A REGULATED COVERAGE AREA UNLESS A COUNTY VOLUNTARILY UNDERTAKES TO IMPLEMENT A LOCAL STORMWATER MANAGEMENT PROGRAM; (6) FOR THE COORDINATION OF PHASE II STORMWATER MANAGEMENT PROGRAMS AND OTHER EXISTING STATE PROGRAMS THAT REGULATE STORMWATER IN ORDER TO AVOID CONFLICTING, DUPLICATIVE, OR INCONSISTENT STORMWATER MANAGEMENT REQUIREMENTS; (7) THAT A LOCAL GOVERNMENT MAY OPT TO BE COVERED UNDER A GENERAL STORMWATER PERMIT DEVELOPED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; (8) DEADLINES FOR WHEN THE ENVIRONMENTAL MANAGEMENT COMMISSION MUST MAKE CERTAIN PHASE II STORMWATER PERMITTING DECISIONS; (9) DESIGNATION AND PETITION PROCESSES BY WHICH ADDITIONAL LOCAL GOVERNMENTS AND OTHER ENTITIES MAY BE REQUIRED TO OBTAIN A PHASE II STORMWATER PERMIT; (10) FOR THE DEVELOPMENT OF A STORMWATER MODEL ORDINANCE AND STORMWATER DESIGN MANUAL; (11) FOR THE ROLES OF STATE AND LOCAL GOVERNMENTS IN REGULATING THE STORMWATER IMPACTS OF FEDERAL AND STATE PROJECTS; (12) DEFINITIONS OF TERMS TO BE USED IN THE IMPLEMENTATION OF THIS ACT; (13) THAT CERTAIN AGRICULTURE AND FORESTRY ACTIVITIES ARE EXEMPT FROM PHASE II STORMWATER PERMIT REQUIREMENTS; AND (14) HOW THE ACT SHALL

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BE CONSTRUED, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

**S.B. 1312**, AN ACT TO AUTHORIZE PARTICIPATION IN 457 PLANS BY LOCAL GOVERNMENTAL EMPLOYEES.

**H.B. 1513**, AN ACT TO INCREASE THE MAXIMUM DEATH BENEFIT PAYABLE FROM THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

### 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. 1265**, AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN ORANGE AND CHATHAM COUNTIES TO MEMORIALIZE A 1989 AGREEMENT BETWEEN THOSE TWO COUNTIES WHICH WAS ALREADY REFLECTED IN THE 2000 CENSUS. (Became law upon ratification, July 9, 2004 - S.L. 2004-85.)

**S.B. 1356**, AN ACT TO TRANSFER CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE TO THE TOWN OF WHITSETT, SUCH PROPERTY BEING TOTALLY SURROUNDED BY THE TOWN OF WHITSETT. (Became law upon ratification, July 9, 2004 - S.L. 2004-86.)

**H.B. 1649**, AN ACT TO AUTHORIZE WAKE COUNTY TO REGULATE THE USE OF IMPAIRING SUBSTANCES WHILE HUNTING WITH FIREARMS. (Became law upon ratification, July 9, 2004 - S.L. 2004-87.)

**H.B. 1352**, AN ACT TO PROVIDE EMERGENCY FUNDING FOR THE ONE NORTH CAROLINA FUND AND THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM, TO CODIFY PROVISIONS RELATED TO THE ONE NORTH CAROLINA FUND, TO APPROPRIATE FUNDS TO THE RURAL ECONOMIC DEVELOPMENT CENTER TO BE USED FOR ECONOMIC INFRASTRUCTURE, AND TO MAKE NECESSARY TRANSITIONAL ADJUSTMENTS TO THE STATE BUDGET. (Became law upon approval of the Governor, July 9, 2004 - S.L. 2004-88.)

### CALENDAR

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

**H.B. 1348**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Upon motion of Senator Rand, the bill is withdrawn from tonight's Calendar and is re-referred to the **Finance Committee**.

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**S.B. 1145** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, TO CLARIFY THAT THE CREDIT FOR CREATING JOBS IS ALLOWED ONLY FOR NEW JOBS CREATED IN THIS STATE, AND TO PROHIBIT THE USE OF FUTURE ROOM TAX COLLECTIONS IN CERTAIN COUNTIES AND CITIES TO DEVELOP OR CONSTRUCT A HOTEL OR SIMILAR LODGING FACILITY, for concurrence in the House Committee Substitute bill, upon second reading.

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, July 13.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

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

**H.B. 1046** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE THE OFFENSE OF AGGRESSIVE 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 60532, which changes the title to read **H.B. 1046** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF AGGRESSIVE DRIVING, is adopted and engrossed.

### CALENDAR *(continued)*

**H.B. 1721** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW AN INCREASE IN THE CURRITUCK COUNTY OCCUPANCY TAX AND TO CHANGE THE PURPOSES FOR WHICH THE TAX MAY BE USED, upon third reading.

The Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 41, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Weinstein and White—41.

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

The Committee Substitute bill No. 2 is ordered enrolled.

**H.B. 1730**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A SEWER TREATMENT FEE, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 41, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dorsett,

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Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Weinstein and White—41.

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

The bill is ordered enrolled.

**H.B. 1733** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF SOUTHPORT TO ASSESS BENEFITED PROPERTY FOR UNDERGROUNDING UTILITIES, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 41, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Shaw, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Weinstein and White—41.

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

The Committee Substitute bill is ordered enrolled.

**H.B. 1734** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OCEAN ISLE BEACH TO IMPOSE A CANAL DREDGING FEE.

Senator Soles offers Amendment No. 1 which is adopted (44-0).

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

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

Voting in the affirmative are: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein and White—46.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1

**H.B. 1547** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE OUTSIDE ITS JURISDICTION AND TO GRANT SEVERABLE DEVELOPMENT RIGHTS WITHIN ITS JURISDICTION.

The Senate Committee Substitute bill passes its second reading.

Senator Dalton objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Friday, July 16, upon third reading.

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**H.B. 1354** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS AGAINST DOMESTIC VIOLENCE, TO PROVIDE ADDITIONAL ASSISTANCE TO DOMESTIC VIOLENCE VICTIMS, AND TO MAKE OTHER CHANGES AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE, upon third reading.

Senator Clodfelter offers Amendment No. 1 which is adopted (47-0).

The Senate Committee Substitute bill No. 2, as amended, passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative are: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Horton, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein and White—47.

Voting in the negative: None.

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

**H.B. 1119** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE ELECTION LAWS.

Senator Hagan offers Amendment No. 1 which is adopted (47-0).

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 by special message, for concurrence in the Senate Committee Substitute bill.

**H.B. 1345** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STATE HIGHWAY PATROL MOTOR CARRIER ENFORCEMENT OFFICERS AND OFFICERS OF THE DIVISION OF MOTOR VEHICLES TO ENFORCE CERTAIN CRIMINAL LAWS, TO EXTEND THE TEMPORARY RULE-MAKING PERIOD FOR THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR ELECTRONIC BIDDING, AND TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

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.

### PRIVILEGES OF THE FLOOR

The President extends privileges of the floor to Mr. Grant Llewellyn, the incoming Music Director and Conductor of the North Carolina Symphony. Mr. Llewellyn comes from Wales.

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**CALENDAR** (*continued*)

**H.B. 1519** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT CRIMINALS FROM PROFITING FROM THEIR CRIMES AND TO BETTER ENABLE CRIME VICTIMS TO SATISFY RESTITUTION ORDERS AND CIVIL JUDGMENTS ENTERED AGAINST THEIR OFFENDERS FROM THE OFFENDERS' ASSETS, WHICH MAY INCLUDE PROFIT FROM CRIME.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, July 13.

**S.B. 1244** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA CEMETERY COMMISSION TO INCREASE CERTAIN FEES, MAKING CLARIFYING CHANGES UNDER THE NORTH CAROLINA CEMETERY ACT, AND MODIFYING THE FORMULA USED TO DETERMINE THE ENTERPRISE TIER DESIGNATION OF A COUNTY, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 44, noes 3, 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, Horton, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—44.

Voting in the negative: Senators Pittenger, Webster and White—3.

The House Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, July 13, for concurrence in the House Committee Substitute bill upon third reading.

**S.B. 852** (House 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; 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, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Nesbitt, 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.

**RECONSIDERATION**

**H.B. 1345** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STATE HIGHWAY PATROL MOTOR CARRIER ENFORCEMENT OFFICERS AND OFFICERS OF THE DIVISION OF MOTOR

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VEHICLES TO ENFORCE CERTAIN CRIMINAL LAWS, TO EXTEND THE TEMPORARY RULE-MAKING PERIOD FOR THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR ELECTRONIC BIDDING, AND TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Having voted with the majority, Senator Dalton offers a motion that the vote by which the Senate Committee Substitute bill passed its third reading earlier tonight be reconsidered, which motion prevails.

The question before the Body becomes the passage of H.B. 1345 on its third reading.

Senator Dalton objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Tuesday, July 13, upon third reading.

#### **CALENDAR** *(continued)*

**S.B. 1043** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING CERTAIN MATERIALS AND TO PROVIDE THAT A LAW ENFORCEMENT OFFICER CANNOT ISSUE A CITATION TO A PERSON FOR FAILING TO HAVE IN HIS POSSESSION A SPECIAL PERMIT FOR VEHICLES OF EXCESSIVE SIZE AND WEIGHT IF THE OFFICER DETERMINES THAT THE PERSON HAS BEEN ISSUED A PERMIT AND THE PERSON SUBMITS THE PERMIT WITHIN THIRTY DAYS OF THE VIOLATION, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Garwood, 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.

#### **CONFERENCE REPORT**

Senator Hartsell for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1063** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS, 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 1063, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS, House Committee Substitute Favorable 6/9/04 Third Edition Engrossed 6/23/04, submit the following report:

The Senate and House agree to the following amendment to the House Committee Substitute Favorable 6/9/04, Third Edition Engrossed 6/23/04, and the Senate concurs in the House Committee Substitute as amended:

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Delete the entire House Committee Substitute Favorable 6/9/04, Third Edition Engrossed 6/23/04 and substitute the attached Proposed Conference Committee Substitute PCCS55314-RB-5.

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

Date Conferees approved report: July 12, 2004.

*Conferees for the Senate*

S/Sen. Fletcher Hartsell, Jr., Chair  
S/Sen. Walter H. Dalton  
Sen. David W. Hoyle  
S/Sen. John H. Kerr, III  
S/Sen. R.B. Sloan, Jr.

*Conferees for the House of Representatives*

S/Rep. William G. Daughtridge, Jr., Chair  
S/Rep. William C. Owens, Jr., Chair  
S/Rep. Jeffrey L. Barnhart  
S/Rep. Lorene T. Coates  
S/Rep. James W. Crawford, Jr.  
S/Rep. Stanley H. Fox  
S/Rep. Michael A. Gorman  
S/Rep. Carolyn H. Justice  
S/Rep. Stephen A. LaRoque  
Rep. Joe P. Tolson

The text of the attached Proposed Conference Committee Substitute, PCCS S1063-PCCS55314 is as follows:

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 159C-7(b) reads as rewritten:

"(b) Findings. – The Secretary shall not approve any proposed industrial project or pollution control project unless the Secretary makes all of the following, applicable findings:

- (1) In the case of a proposed industrial project,
  - a. ~~That the operator of the proposed project pays, or has agreed to pay thereafter, an average weekly manufacturing wage that (i) is above the average weekly manufacturing wage paid in the county, or (ii) is not less than ten percent (10%) above the average weekly manufacturing wage paid in the State, and~~
  - b. ~~That~~ that the proposed project will not have a materially adverse effect on the environment.
- (2) In the case of a proposed pollution control project, that the project will have a materially favorable impact on the environment or will prevent or diminish materially the impact of pollution which would otherwise occur.

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- (2a) In the case of a hazardous waste facility or low-level radioactive waste facility that is used as a reduction, recovery or recycling facility, that such project will further the waste management goals of North Carolina and will not have an adverse effect upon public health or a significant adverse effect on the environment.
- (3) In the case of an industrial project or a pollution control project, except a pollution control project for a public utility,
  - a. That the jobs to be generated or saved, directly or indirectly, by the proposed project will be large enough in number to have a measurable impact on the area immediately surrounding the proposed project and will be commensurate with the size and cost of the proposed project,
  - b. That the proposed operator of the proposed project has demonstrated or can demonstrate the capability to operate the project, and
  - c. That the financing of the project by the authority will not cause or result in the abandonment of an existing industrial or manufacturing facility of the proposed operator or an affiliate elsewhere within the State unless the facility is to be abandoned because of obsolescence, lack of available labor in the area, or site limitations."

**SECTION 2.** G.S. 159D-7(b) reads as rewritten:

"(b) Findings. – The Secretary shall not approve any proposed project unless the Secretary makes all of the following, applicable findings:

- (1) In the case of a proposed industrial project,
  - a. ~~That the operator of the proposed project pays, or has agreed to pay thereafter, an average weekly manufacturing wage that (i) is above the average weekly manufacturing wage paid in the county in which the project is to be located or (ii) is not less than ten percent (10%) above the average weekly manufacturing wage paid in the State; and~~
  - b. ~~That~~ that the proposed project will not have a materially adverse effect on the environment.
- (2) In the case of a proposed pollution control project, that such project will have a materially favorable impact on the environment or will prevent or diminish materially the impact of pollution which would otherwise occur.
- (2a) In the case of a hazardous waste facility or low-level radioactive waste facility that is used as a reduction, recovery or recycling facility, that such project will further the waste management goals of North Carolina and will not have an adverse effect upon public health or a significant adverse effect on the environment.

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- (3) In any case (whether the proposed project is an industrial or a pollution control project),
- a. That the jobs to be generated or saved, directly or indirectly, by the proposed project will be large enough in number to have a measurable impact on the area immediately surrounding the proposed project and will be commensurate with the size and cost of the proposed project,
  - b. That the proposed operator of the proposed project has demonstrated or can demonstrate the capability to operate such project, and
  - c. That the financing of such project by the agency will not cause or result in the abandonment of an existing industrial or manufacturing facility of the proposed operator or an affiliate elsewhere within the State unless the facility is to be abandoned because of obsolescence, lack of available labor in the area, or site limitations."

**SECTION 3.** The Department of Commerce shall encourage projects applying for industrial revenue bonds under Chapter 159C or Chapter 159D of the General Statutes to locate the projects in development zones.

**SECTION 4.** This act is effective when it becomes law.

The Conference Report is placed on the Calendar for tomorrow, Tuesday, July 13, for adoption.

The Senate recesses at 7:47 P.M. to reconvene at 8:00 P.M.

### RECESS

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

### SENATE PAGES

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

Curry Michael Baker, II, Burlington; Sarah Ashley Booker, Kernersville; Kathryn C. Bowman, Cary; Jenna H. Carpenter, Cullowhee; Victoria R. Cummings, Reidsville; Brittany Danielson, Raleigh; Alicia Ellerbe, Raleigh; Kathryn Hannon, Gastonia; Rebecca Jones, Eden; Suzanne Kirk, Cary; Stephen Howard Kouba, Jr., Fayetteville; Scott Leath, Fuquay-Varina; Theodore James Linville, Kernersville; Brittany Matthews, Angier; Leah M. Nudelman, Greensboro; Sarah E. Nudelman, Greensboro; Tomas Yair Ramos, Sanford; Laureen Ruby Ann Rhoden, Bladenboro; Katie Riegel, Cary; Robyn King Sauls, Farmville; William Sellers, Whiteville; Emily Ann Sink, Lexington; James Harold Smith III, Burlington; Andrew Tennyson, Chapel Hill; Sarah Thompson, Gastonia; and Jessica Tou, Cary.

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### APPOINTMENT OF CONFERENCE COMMITTEE

**S.B. 1384** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING AND AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 1384 on Friday, July 9, and the motion by Senator Albertson to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Albertson, Chair, Senator Kerr and Senator Hunt 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 Lucas, the Senate adjourns subject to receipt of committee reports and messages from the House of Representatives, to meet tomorrow, Tuesday, July 13, at 2:00 P.M.

### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

**H.B. 1343** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE MOPED IDENTIFICATION TAGS, TO AUTHORIZE THE ESTABLISHMENT OF A PRIVATE MOPED REGISTRATION SYSTEM, TO AUTHORIZE MOPED DEALERS TO CHARGE A ONE-TIME FEE TO PURCHASERS OF NEW AND USED MOPEDS, AND TO ESTABLISH A PENALTY FOR FAILURE TO COMPLY WITH THE REGISTRATION OR DISPLAY REQUIREMENTS.

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

**H.B. 1427** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING THE CULTIVATION OF SHELLFISH AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO STUDY ISSUES RELATED TO THE CULTIVATION OF SHELLFISH.

Referred 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:

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

**H.B. 1688**, A BILL TO BE ENTITLED AN ACT TO ALLOW A DEFERRED EFFECTIVE DATE FOR CERTAIN VOLUNTARY ANNEXATIONS OF THE CITY OF CONCORD, with a favorable report.

**S.B. 1305** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE TOWN OF ANGIER, favorable as to concurrence.

**H.B. 1348**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80484, which changes the title to read **H.B. 1348** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AUTHORIZE HYDE COUNTY TO LEVY A PREPARED FOOD TAX, is adopted and engrossed.

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

**S.B. 1225**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35505, which changes the title to read **S.B. 1225** (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 9:29 P.M.

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**ONE HUNDRED FORTY-FOURTH DAY**

Senate Chamber  
Tuesday, July 13, 2004

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

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

"Dear God, in the Sermon on the Mount, Jesus said, 'Blessed are the peacemakers.' On first reading it's not that an impressive of a statement.

"The reality is, most of us love peace but not many of us make peace. Peace lovers may be passive, but making peace is hard work. The members of the Senate know this all too well.

"Remind them that Jesus blessed and complimented the peacemaker. Amen."

The Chair grants leaves of absence for today to Senator Holloman, Senator Hoyle and Senator Malone.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, July 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 Dianne Phipps from the School Nurses Association, from Goldsboro, 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. 852**, 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.

**S.B. 1043**, AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING CERTAIN MATERIALS AND TO PROVIDE THAT A LAW ENFORCEMENT OFFICER CANNOT ISSUE A CITATION TO A PERSON FOR FAILING TO HAVE IN HIS POSSESSION A SPECIAL PERMIT FOR VEHICLES

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OF EXCESSIVE SIZE AND WEIGHT IF THE OFFICER DETERMINES THAT THE PERSON HAS BEEN ISSUED A PERMIT AND THE PERSON SUBMITS THE PERMIT WITHIN THIRTY DAYS OF THE VIOLATION.

**H.B. 1083**, AN ACT TO PROMOTE WATER CONSERVATION IN MULTIFAMILY RESIDENTIAL PROPERTIES BY AMENDING VARIOUS STATE LAWS REGARDING THE USE OF SUBMETERS IN LIGHT OF CHANGES IN POLICY RELATED TO WATER TESTING REQUIREMENTS AND WATER CONSERVATION BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

**H.B. 1449**, AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT.

**H.B. 1518**, AN ACT REQUIRING A PERSON TO PAY ANY OUTSTANDING RESTITUTION ORDERS PRIOR TO THE EXPUNCTION OF THE PERSON'S CRIMINAL RECORD.

**H.B. 1602**, AN ACT TO DELAY THE IMPOSITION ON PARTNERSHIPS OF THE DOLLAR AMOUNT LIMITATION ON THE CREDIT ALLOWED FOR REAL PROPERTY DONATIONS.

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

**S.B. 1205**, AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL.

**S.B. 1209**, AN ACT MAKING A TECHNICAL CORRECTION TO THE AUTHORITY OF THE DURHAM CITY HOUSING APPEALS BOARD TO HEAR APPEALS.

**S.B. 1347**, AN ACT AUTHORIZING THE CITY OF KANNAPOLIS TO HOLD A REFERENDUM ON THE OPERATION OF ABC STORES AS PART OF THE ROWAN COUNTY ABC SYSTEM, AND TO SPECIFY HOW PROFITS FROM THOSE STORES SHALL BE DISTRIBUTED.

**S.B. 1355**, AN ACT AUTHORIZING THE CITY OF GOLDSBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S REFUSE AND DEBRIS ORDINANCE WITHOUT FURTHER NOTICE THAT CALENDAR YEAR.

**S.B. 1370**, AN ACT TO CHANGE THE PROCEDURE FOR DISPOSAL OF SURPLUS STANDARD AND SUBSTANDARD LOTS BY THE CITY OF GOLDSBORO AND WAYNE COUNTY.

**H.B. 1721**, AN ACT TO ALLOW AN INCREASE IN THE CURRITUCK COUNTY OCCUPANCY TAX AND TO CHANGE THE PURPOSES FOR WHICH THE TAX MAY BE USED.

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**H.B. 1730**, AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A SEWER TREATMENT FEE.

**H.B. 1733**, AN ACT TO ALLOW THE CITY OF SOUTHPORT TO ASSESS BENEFITED PROPERTY FOR UNDERGROUNDING UTILITIES.

**H.B. 1737**, AN ACT AUTHORIZING THE CITIES OF WINSTON-SALEM AND REIDSVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

#### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

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

**H.B. 1203** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR FUEL MARKETING 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 60531, which changes the title to read **H.B. 1203** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE MOTOR FUEL MARKETING ACT AND TO STUDY THE PREDATORY PRICING OF MOTOR FUELS, is adopted and engrossed.

Pursuant to Rule 43, the Senate 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. 1046** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF AGGRESSIVE DRIVING.

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, July 14.

#### RECOGNITION OF MISS NORTH CAROLINA

With unanimous consent, upon motion of Senator Basnight, the privileges of the floor are extended to Miss North Carolina, Kirsten Elrod, from Cary, North Carolina. Senator Garrou, Senator Horton, Senator Reeves and Senator Stevens are appointed to escort Ms. Elrod to the Well of the Senate. Miss Elrod briefly addresses the Senate.

The President recognizes the Committee to escort Miss Elrod from the Chamber.

#### CALENDAR *(continued)*

**H.B. 1348** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND

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TOURISM DEVELOPMENT TAX AND TO AUTHORIZE HYDE COUNTY TO LEVY A PREPARED FOOD TAX, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call 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, Hargett, Hartsell, Horton, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Weinstein and White—44.

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

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, July 14, upon third reading.

**H.B. 1688**, A BILL TO BE ENTITLED AN ACT TO ALLOW A DEFERRED EFFECTIVE DATE FOR CERTAIN VOLUNTARY ANNEXATIONS OF THE CITY OF CONCORD, upon second reading.

The bill passes its second reading, by roll-call 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, Hargett, Hartsell, Horton, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Weinstein and White—44.

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

The bill remains on the Calendar for tomorrow, Wednesday, July 14, upon third reading.

**H.B. 1547** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE OUTSIDE ITS JURISDICTION AND TO GRANT SEVERABLE DEVELOPMENT RIGHTS WITHIN ITS JURISDICTION.

Upon motion of Senator Kinnaird, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, July 14.

### CONFERENCE REPORT

Senator Thomas, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 817** (Senate Committee Substitute), 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 AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIONAL RIFLE ASSOCIATION SPECIAL REGISTRATION PLATE, submits for adoption the following report:

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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 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 AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIONAL RIFLE ASSOCIATION SPECIAL REGISTRATION PLATE, Senate Judiciary I Committee Substitute Adopted 6/15/04, submit the following report:

The House and Senate agree to the following amendment to the Senate Judiciary I Committee Substitute Adopted 6/15/04, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Judiciary I Committee Substitute Adopted 6/15/04, and substitute the attached Proposed Conference Committee Substitute H817-PCCS70506-RK-1.

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

Date Conferees approved report: July 13, 2004.

*Conferees for the Senate*

S/Senator Scott Thomas, Chair  
S/Senator Cecil Hargett  
S/Senator Daniel G. Clodfelter  
S/Senator John H. Carrington

*Conferees for the House of Representatives*

S/Rep. Mark K. Hilton, Co-Chair  
S/Rep. Arthur J. Williams, Co-Chair  
S/Rep. Pryor Gibson  
S/Rep. D. Bruce Goforth  
S/Rep. David R. Lewis  
S/Rep. Wayne Sexton

The text of the attached Proposed Conference Committee Substitute, PCCS H817-PCCS70506, which changes the title, is as follows:

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.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-402 reads as rewritten:

**"§ 14-402. Sale of certain weapons without permit forbidden.**

(a) It ~~shall be~~ is unlawful for any person, firm, or corporation in this State to sell, give away, or transfer, or to purchase or receive, at any place within this State from any other place within or without the State any pistol or crossbow ~~unless a~~ unless: (i) a license or permit therefor has is first been obtained under this Article by

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the purchaser or receiver from the sheriff of the county in which ~~that the purchaser~~ or receiver ~~resides~~-resides; or (ii) a valid North Carolina concealed handgun permit is held under Article 54B of this Chapter by the purchaser or receiver who must be a resident of the State at the time of the purchase.

It ~~shall be~~ is unlawful for any person or persons to receive from any postmaster, postal clerk, employee in the parcel post department, rural mail carrier, express agent or employee, railroad agent or employee within the State of North Carolina any pistol or crossbow without having in his or their possession and without exhibiting at the time of the delivery of the same and to the person delivering the same the permit from the sheriff as provided in G.S. 14-403. Any person violating the provisions of this section ~~shall be~~ is guilty of a Class 2 misdemeanor.

(b) This section does not apply to an antique firearm or an historic edged weapon.

(c) The following definitions apply in this section:

- (1) Antique firearm. – Defined in G.S. 14-409.11.
- (2) Bolt. – A projectile made to be discharged from a crossbow. The bolt differs from an arrow in that the bolt is heavier and shorter than an arrow.
- (3) Crossbow. – A mechanical device consisting of, but not limited to, strings, cables, and prods transversely mounted on either a shoulder or hand-held stock. This devise [device] is mechanically held at full or partial draw and released by a trigger or similar mechanism which is incorporated into a stock or handle. When operated, the crossbow discharges a projectile known as a bolt.
- (4) Historic edged weapon. – Defined in G.S. 14-409.12."

**SECTION 2.** This act is effective when it becomes law.

The Conference Report is placed on the Calendar for tomorrow, Wednesday, July 14, for adoption.

#### **CALENDAR** *(continued)*

**S.B. 1305** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE TOWN OF ANGIER, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Stevens, the Senate concurs in the House Committee Substitute bill on 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, Hagan, Hargett, Hartsell, Horton, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein and White—46.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, July 14, for concurrence in the House Committee Substitute bill, upon third reading.

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

**S.B. 1225** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

Senator Horton offers Amendment No. 1, which he subsequently withdraws.

The Committee Substitute bill 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, Wednesday, July 14, upon third reading.

**H.B. 173** (Senate 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, with amendment No. 1 pending from Friday, July 9.

Senator Rand calls the previous question on Amendment No. 1 through the passage of the bill, seconded by Senator Dalton. The call for the previous question prevails (34-11).

Amendment No. 1 is adopted (30-15).

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

The Senate Committee Substitute bill, as amended, passes its second reading (33-11).

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 14, upon third reading.

The Senate recesses at 3:00 P.M. to reconvene at 3:15 P.M.

### RECESS

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

### CALENDAR *(continued)*

**H.B. 1519** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT CRIMINALS FROM PROFITING FROM THEIR CRIMES AND TO BETTER ENABLE CRIME VICTIMS TO SATISFY RESTITUTION ORDERS AND CIVIL JUDGMENTS ENTERED AGAINST THEIR OFFENDERS FROM THE OFFENDERS' ASSETS, WHICH MAY INCLUDE PROFIT FROM CRIME.

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.

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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 Kerr for the **Finance Committee**:

**H.B. 1700** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE DURHAM CITY ADDITIONAL MUNICIPAL VEHICLE TAX AND CONCERNING THE PURPOSES FOR WHICH THOSE FUNDS MAY BE EXPENDED, with a favorable report.

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

**CALENDAR** (*continued*)

**H.B. 1345** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STATE HIGHWAY PATROL MOTOR CARRIER ENFORCEMENT OFFICERS AND OFFICERS OF THE DIVISION OF MOTOR VEHICLES TO ENFORCE CERTAIN CRIMINAL LAWS, TO EXTEND THE TEMPORARY RULE-MAKING PERIOD FOR THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR ELECTRONIC BIDDING, AND TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The Senate Committee Substitute bill passes its third reading (46-0) and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

**S.B. 1244** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA CEMETERY COMMISSION TO INCREASE CERTAIN FEES, MAKING CLARIFYING CHANGES UNDER THE NORTH CAROLINA CEMETERY ACT, AND MODIFYING THE FORMULA USED TO DETERMINE THE ENTERPRISE TIER DESIGNATION OF A COUNTY, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Kerr, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 41, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Bingham, Blake, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Horton, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Purcell, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—41.

Voting in the negative: Senators Berger, Brock, Pittenger, Webster and White—5.

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

July 13, 2004

**S.B. 1145** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, TO CLARIFY THAT THE CREDIT FOR CREATING JOBS IS ALLOWED ONLY FOR NEW JOBS CREATED IN THIS STATE, AND TO PROHIBIT THE USE OF FUTURE ROOM TAX COLLECTIONS IN CERTAIN COUNTIES AND CITIES TO DEVELOP OR CONSTRUCT A HOTEL OR SIMILAR LODGING FACILITY, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 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, Hagan, Hargett, Hartsell, Horton, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Pittenger, Purcell, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein and White—46.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, July 14, for concurrence in the House Committee Substitute bill, upon third reading.

**S.B. 470** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE LAW AFFECTING THE COMPENSATION OF TRUSTEES AND OTHER FIDUCIARIES, 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 by special message.

**S.B. 1063** (Conference Report), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS.

Upon motion of Senator Hartsell, the Senate adopts the Conference Report (45-1).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

**H.B. 1700** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE DURHAM CITY ADDITIONAL MUNICIPAL VEHICLE TAX AND CONCERNING THE PURPOSES FOR WHICH THOSE FUNDS MAY BE EXPENDED, placed earlier on today's Calendar, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 39, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Bingham, Blake, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Hagan, Hargett, Hartsell, Horton, Hunt, Jenkins, Kerr,

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Kinnaird, Lucas, Moore, Nesbitt, Purcell, Rand, Reeves, Rucho, Shaw, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman and Weinstein—39.

Voting in the negative: Senators Berger, Brock, Pittenger, Shubert, Webster and White—6.

The Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, July 14, upon third reading.

### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

House of Representatives  
July 12, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for **H.B. 1594**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT, and requests conferees.

Speaker Morgan has appointed:

Representative Haire, Co-Chair  
Representative Howard, Co-Chair  
Representative Tolson, 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

### **APPOINTMENT OF CONFERENCE COMMITTEE**

**H.B. 1594** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT AND EXTENDING TO LOCAL GOVERNMENTS ACTING JOINTLY THE SAME SETOFF DEBT COLLECTION PROCEDURES CURRENTLY ALLOWED TO LOCAL GOVERNMENTS ACTING ALONE.

July 13, 2004



Pursuant to the message from the House of Representatives received today, Tuesday, July 13, that the House fails to concur in the Senate Committee Substitute bill for H.B. 1594 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Kerr, Chair, Senator Albertson 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.

Upon motion of Senator Basnight, seconded by Senator Soles, the Senate adjourns in honor of Senator Soles' parents' 74th wedding anniversary, subject to receipt of committee reports and messages from the House of Representatives, to meet tomorrow, Wednesday, July 14, at 2:00 P.M.

### **SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

House of Representatives  
July 13, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **S.B. 676** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN BANKING LAWS OF NORTH CAROLINA AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE NEED FOR FURTHER AMENDMENTS TO THE STATE BANKING LAWS.

Pursuant to your message that you have adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,  
S/Denise Weeks  
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for S.B. 676 on July 9, the President orders the bill enrolled and sent to the Governor by special message.

**S.B. 464** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIONAL RIFLE ASSOCIATION SPECIAL REGISTRATION PLATE, 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, July 14, for concurrence in the House Committee Substitute bill No. 2.

July 13, 2004

House of Representatives  
July 13, 2004

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 991**, A BILL TO BE ENTITLED AN ACT TO IMPROVE STATE GOVERNMENT INFORMATION TECHNOLOGY PLANNING, ADOPT STANDARDS, MAKE PROJECT DEVELOPMENT MORE EFFICIENT, REDUCE COST OVERRUNS, PROVIDE ASSISTANCE TO STATE AGENCIES, AND INCREASE ACCOUNTABILITY, and requests conferees, Speaker Black appoints:

Representative Tolson, Chair  
Representative Sauls  
Representative Sherrill, and  
Representative Saunders

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

Respectfully,  
S/Denise Weeks  
Principal Clerk

**S.B. 1148** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE SUPPORT AND TRAINING FOR LONG-TERM CARE PROVIDERS CARING FOR RESIDENTS WITH MENTAL ILLNESSES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, July 14, for concurrence in the House Committee Substitute bill.

**S.B. 1218** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CHILD RESTRAINT SYSTEM REQUIREMENTS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, 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, July 14, for concurrence in the House Committee Substitute bill No. 2.

**S.B. 1315** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR CABARRUS COUNTY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, July 14, for concurrence in the House Committee Substitute bill.

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House of Representatives  
July 13, 2004

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 1384**, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING AND AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING, and requests conferees, Speaker Black appoints:

Representative Howard, Chair  
Representative Holliman  
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 may be resolved.

Respectfully,  
S/Denise Weeks  
Principal Clerk

#### 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 Hagan for the **Appropriations/Base Budget Committee**:

**H.B. 1699**, 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.

By Senator Soles for the **Commerce 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, 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 70508, which changes the title to read **H.B. 859** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW CONCERNING THE

July 13, 2004

ELECTION OF MEMBERS OF THE BOARD OF FUNERAL SERVICE AND TO ESTABLISH A NEW PROCESS WHEREBY MEMBERS ARE APPOINTED TO SERVE ON THE BOARD, is adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:28 P.M.

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### ONE HUNDRED FORTY-FIFTH DAY

Senate Chamber  
Wednesday, July 14, 2004

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 world applauds bigness, and success, and self-sufficiency. I guess as long as we're not consumed by such a world view, some measure of each is valuable in living our lives.

"We pray that you would not let us forget what it's like to be small, needy, dependent like a child in a new neighborhood or senior adults bound to their houses by age and infirmity.

"Having revisited our own smallness and neediness, we shall serve you better each day because your love for the least of these is well-documented. Amen."

The Chair grants leaves of absence for today to Senator Malone and Senator Sloan.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, July 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 Malyn Prat from the School Nurses Association, Charlotte, 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. 470**, AN ACT TO MODERNIZE THE LAW AFFECTING THE COMPENSATION OF TRUSTEES AND OTHER FIDUCIARIES.

**S.B. 676**, AN ACT TO AMEND CERTAIN BANKING LAWS OF NORTH CAROLINA AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE NEED FOR FURTHER AMENDMENTS TO THE STATE BANKING LAWS.

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**S.B. 1244**, AN ACT AUTHORIZING THE NORTH CAROLINA CEMETERY COMMISSION TO INCREASE CERTAIN FEES, MAKING CLARIFYING CHANGES UNDER THE NORTH CAROLINA CEMETERY ACT, AND MODIFYING THE FORMULA USED TO DETERMINE THE ENTERPRISE TIER DESIGNATION OF A COUNTY.

**H.B. 951**, AN ACT TO ESTABLISH CIVIL NO-CONTACT ORDERS FOR THE PROTECTION OF INDIVIDUALS WHO ARE VICTIMS OF UNLAWFUL CONDUCT.

**H.B. 965**, AN ACT TO PROVIDE PENALTIES FOR PERSONS WHO CAUSE SERIOUS BODILY INJURY WHEN FAILING TO YIELD THE RIGHT-OF-WAY UNDER CERTAIN CIRCUMSTANCES; TO CLARIFY WHEN A PEDESTRIAN HAS THE RIGHT-OF-WAY AT AN INTERSECTION WHERE TRAFFIC IS ALLOWED TO TURN RIGHT ON A RED LIGHT, TO INCREASE THE PENALTY FOR FAILURE TO YIELD THE RIGHT-OF-WAY TO A PEDESTRIAN WHEN TURNING RIGHT AT A RED LIGHT; TO INCREASE THE DRIVERS LICENSE POINTS ASSESSED FOR FAILURE TO YIELD THE RIGHT-OF-WAY TO A BICYCLE, MOTOR SCOOTER, MOTORCYCLE, OR PEDESTRIAN; AND TO COLLECT DATA REGARDING PEDESTRIAN ACCIDENTS WHERE VEHICLES ARE TURNING RIGHT AT A RED LIGHT.

**H.B. 1112**, AN ACT TO IMPLEMENT REQUIREMENTS APPLICABLE TO NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND ANIMAL WASTE MANAGEMENT PLANS GOVERNING ANIMAL FEEDING OPERATIONS TO MAKE THE STATE PERMIT REQUIREMENTS CONSISTENT WITH FEDERAL REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

**H.B. 1420**, AN ACT TO EXTEND TO LOCAL GOVERNMENTS ACTING JOINTLY THE SAME SETOFF DEBT COLLECTION PROCEDURES CURRENTLY ALLOWED TO LOCAL GOVERNMENTS ACTING ALONE AND CONCERNING THE GLOBAL TRANSPARK AUTHORITY.

#### CHAPTERED BILLS

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

**S.B. 1254**, AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE CRIMINAL RECORD CHECKS TO THE RESPIRATORY CARE BOARD FOR APPLICANTS FOR LICENSURE AND TO CHARGE A FEE FOR CONDUCTING THE CHECKS. (Became law upon approval of the Governor, July 13, 2004 - S.L. 2004-89.)

**S.B. 1205**, AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL. (Became law upon ratification, July 13, 2004 - S.L. 2004-90.)

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**S.B. 1209**, AN ACT MAKING A TECHNICAL CORRECTION TO THE AUTHORITY OF THE DURHAM CITY HOUSING APPEALS BOARD TO HEAR APPEALS. (Became law upon ratification, July 13, 2004 - S.L. 2004-91.)

**S.B. 1347**, AN ACT AUTHORIZING THE CITY OF KANNAPOLIS TO HOLD A REFERENDUM ON THE OPERATION OF ABC STORES AS PART OF THE ROWAN COUNTY ABC SYSTEM, AND TO SPECIFY HOW PROFITS FROM THOSE STORES SHALL BE DISTRIBUTED. (Became law upon ratification, July 13, 2004 - S.L. 2004-92.)

**S.B. 1355**, AN ACT AUTHORIZING THE CITY OF GOLDSBORO 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, July 13, 2004 - S.L. 2004-93.)

**S.B. 1370**, AN ACT TO CHANGE THE PROCEDURE FOR DISPOSAL OF SURPLUS STANDARD AND SUBSTANDARD LOTS BY THE CITY OF GOLDSBORO AND WAYNE COUNTY. (Became law upon ratification, July 13, 2004 - S.L. 2004-94.)

**H.B. 1721**, AN ACT TO ALLOW AN INCREASE IN THE CURRITUCK COUNTY OCCUPANCY TAX AND TO CHANGE THE PURPOSES FOR WHICH THE TAX MAY BE USED. (Became law upon ratification, July 13, 2004 - S.L. 2004-95.)

**H.B. 1730**, AN ACT TO ALLOW THE TOWN OF HOLDEN BEACH TO IMPOSE A SEWER TREATMENT FEE. (Became law upon ratification, July 13, 2004 - S.L. 2004-96.)

**H.B. 1733**, AN ACT TO ALLOW THE CITY OF SOUTHPORT TO ASSESS BENEFITED PROPERTY FOR UNDERGROUNDING UTILITIES. (Became law upon ratification, July 13, 2004 - S.L. 2004-97.)

**H.B. 1737**, AN ACT AUTHORIZING THE CITIES OF WINSTON-SALEM AND REIDSVILLE TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS. (Became law upon ratification, July 13, 2004 - S.L. 2004-98.)

### CALENDAR

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

**H.B. 1348** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AUTHORIZE HYDE COUNTY TO LEVY A PREPARED FOOD TAX, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 42, noes 5, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Bingham, Blake, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Weinstein and White—42.

Voting in the negative: Senators Berger, Brock, Pittenger, Shubert and Webster—5.

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. 1688**, A BILL TO BE ENTITLED AN ACT TO ALLOW A DEFERRED EFFECTIVE DATE FOR CERTAIN VOLUNTARY ANNEXATIONS OF THE CITY OF CONCORD, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 42, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Bingham, Blake, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Weinstein and White—42.

Voting in the negative: Senators Berger, Brock, Pittenger, Shubert and Webster—5.

The bill is ordered enrolled.

**H.B. 1700** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE DURHAM CITY ADDITIONAL MUNICIPAL VEHICLE TAX AND CONCERNING THE PURPOSES FOR WHICH THOSE FUNDS MAY BE EXPENDED, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 42, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Bingham, Blake, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Weinstein and White—42.

Voting in the negative: Senators Berger, Brock, Pittenger, Shubert and Webster—5.

The Committee Substitute bill is ordered enrolled.

**H.B. 1547** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE OUTSIDE ITS JURISDICTION AND TO GRANT SEVERABLE DEVELOPMENT RIGHTS WITHIN ITS JURISDICTION.

Upon motion of Senator Kinnaird, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

**S.B. 1305** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE TOWN OF ANGIER, for concurrence in the House Committee Substitute bill, upon third reading.

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Upon motion of Senator Stevens, 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, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein and White—48.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

**S.B. 1315** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR CABARRUS COUNTY, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled.

### CONFERENCE REPORT

Senator Albertson for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1384** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING AND AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING, 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 1384, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING AND AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING, House Committee Substitute Favorable 7/1/04, submit the following report:

The Senate and House agree to the following amendment to the House Committee Substitute Favorable 7/1/04, and the Senate concurs in the House Committee Substitute as amended:

On page 6, line 40, by rewriting the line to read:

**"SECTION 11.** G.S. 86A-25 reads as rewritten:

**§ 86A-25. Fees collectible by Board.**

July 14, 2004



The State Board of Barber Examiners shall charge fees not to exceed the following:

Certificate of registration or renewal as a barber	<del>\$30.00</del> <u>50.00</u>
Certificate of registration or renewal as an apprentice barber	<del>30.00</del> <u>50.00</u>
Barbershop permit or renewal	<del>30.00</del> <u>50.00</u>
Examination to become a registered barber	<del>50.00</del> <u>85.00</u>
Examination to become a registered apprentice barber	<del>50.00</del> <u>85.00</u>
Late fee for restoration of an expired barber certificate within first year after expiration	<del>20.00</del> <u>35.00</u>
Late fee for restoration of an expired barber certificate after first year after expiration but within five years after expiration	<del>40.00</del> <u>70.00</u>
Late fee for restoration of an expired apprentice certificate within first year after expiration	<del>20.00</del> <u>35.00</u>
Late fee for restoration of an expired apprentice certificate after first year after expiration but within three years of first issuance of the certificate	<del>25.00</del> <u>45.00</u>
Late fee for restoration of an expired barbershop certificate	<del>25.00</del> <u>45.00</u>
Examination to become a barber school instructor	<del>95.00</del> <u>165.00</u>
Student permit	<del>15.00</del> <u>25.00</u>
Issuance of any duplicate copy of a license, certificate, or permit	<del>7.50</del> <u>10.00</u>
Barber school permit or renewal	<del>75.00</del> <u>130.00</u>
Late fee for restoration of an expired barber school certificate	<del>50.00</del> <u>85.00</u>
Barber school instructor certificate or renewal	<del>50.00</del> <u>85.00</u>
Late fee for restoration of an expired barber school instructor certificate within first year after expiration	<del>25.00</del> <u>45.00</u>
Late fee for restoration of an expired barber school instructor certificate after first year after expiration but within three years after expiration	<del>50.00</del> <u>85.00</u>
Inspection of newly established barbershop	<del>70.00</del> <u>120.00</u>
Inspection of newly established barber school	<del>125.00</del> <u>220.00</u>
Issuance of a registered barber or apprentice certificate by certification	<del>70.00</del> <u>120.00</u>
Barbers 70 years and older certificate or renewal	No charge-charge

Reasonable charges for certified copies of public documents

Reasonable charges for duplication services and material.'

**SECTION 12.** 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: July 14, 2004.

July 14, 2004

*Conferees for the Senate**Conferees for the House of Representatives*

S/Sen. Charles W. Albertson, Chair  
 S/Sen. Ralph A. Hunt  
 S/Sen. John H. Kerr, III

S/Rep. Julia C. Howard, Chair  
 S/Rep. L. Hugh Holliman  
 S/Rep. Mitchell S. Setzer  
 S/Rep. William L. Wainwright

The Conference Report is placed on the Calendar for tomorrow, Thursday, July 15, for adoption.

**CALENDAR** *(continued)*

**H.B. 1699**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, 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, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Weinstein and White—47.

Voting in the negative: Senator Webster—1.

The bill remains on the Calendar for tomorrow, Thursday, July 15, upon third reading.

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

**H.B. 859** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW CONCERNING THE ELECTION OF MEMBERS OF THE BOARD OF FUNERAL SERVICE AND TO ESTABLISH A NEW PROCESS WHEREBY MEMBERS ARE APPOINTED TO SERVE ON THE BOARD.

The Senate Committee Substitute bill passes its second reading (26-21).

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 15.

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

House of Representatives  
 July 13, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **S.B. 1063** (Conference

July 14, 2004

Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS.

Pursuant to your message that you have adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,  
S/Denise Weeks  
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for S.B. 1063 on July 13, the President orders the bill enrolled and sent to the Governor.

#### **CALENDAR** *(continued)*

**H.B. 1547** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE OUTSIDE ITS JURISDICTION AND TO GRANT SEVERABLE DEVELOPMENT RIGHTS WITHIN ITS JURISDICTION, temporarily displaced earlier.

Senator Kinnaird offers Amendment No. 1 which is adopted (47-2), and changes the title upon concurrence to read **H.B. 1547** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE OUTSIDE ITS JURISDICTION.

Upon motion of Senator Kinnaird, the President orders, without objection, the Senate Committee Substitute bill, as amended, temporarily displaced.

**H.B. 1046** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF AGGRESSIVE DRIVING.

The Senate Committee Substitute bill passes its second (49-0) 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 3:08 P.M. to reconvene at 3:15 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**:

July 14, 2004

**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, 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 70509, which changes the title to read **H.B. 669** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF A "PRIMARY CARE HOSPITAL" TO REFLECT FEDERAL REQUIREMENTS, TO IMPROVE THE QUALITY OF PATIENT CARE, TO PROTECT PATIENT-PHYSICIAN RELATIONSHIPS AND TO LIMIT MEDICAL DIRECTORS LIABILITY, 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.

*Without objection, Senator Forrester requests to be excused from voting on the bill due to a conflict of interest.*

The Senate Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

#### **CALENDAR** *(continued)*

**H.B. 1547** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE OUTSIDE ITS JURISDICTION AND TO GRANT SEVERABLE DEVELOPMENT RIGHTS WITHIN ITS JURISDICTION, as amended, temporarily displaced earlier.

Senator Kinnaird offers Amendment No. 2 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its third reading (47-2) and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

#### **REPORTS OF COMMITTEES**

A standing committee report is submitted out of the regular order of business, 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:**

**H.B. 1401**, A BILL TO BE ENTITLED AN ACT TO PERMIT THE COUNTY OF WILKES TO ACQUIRE PROPERTY AND CONVEY IT TO THE STATE FOR USE AS A VISITORS' CENTER/REST AREA, with a favorable report.

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

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**H.B. 1422** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN MINT HILL AND MUNICIPAL EMPLOYEES AND LAW ENFORCEMENT OFFICERS OF THE CITY OF KINGS MOUNTAIN TO OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, 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 50443, is adopted and engrossed.

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

**H.B. 737** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE RECALL ELECTIONS FOR THE DURHAM BOARD OF EDUCATION, 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 60534, which changes the title to read **H.B. 737** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DEFINE A UNIFORM PROGRAM OF PUBLIC CAMPAIGN FINANCING AND TO AUTHORIZE THE TOWN OF CHAPEL HILL TO CONDUCT SUCH A PROGRAM, is adopted and engrossed.

#### CONFERENCE REPORT

Senator Kerr for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1594** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT AND EXTENDING TO LOCAL GOVERNMENTS ACTING JOINTLY THE SAME SETOFF DEBT COLLECTION PROCEDURES CURRENTLY ALLOWED TO LOCAL GOVERNMENTS ACTING ALONE, 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 1594, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT AND EXTENDING TO LOCAL GOVERNMENTS ACTING JOINTLY THE SAME SETOFF DEBT COLLECTION PROCEDURES CURRENTLY ALLOWED TO LOCAL GOVERNMENTS ACTING ALONE, Senate Finance Committee Substitute Adopted 7/8/04, submit the following report:

July 14, 2004

The House and Senate agree to the following amendment to the Senate Finance Committee Substitute, Senate Finance Committee Substitute Adopted 7/8/04, and the House concurs in the Senate Finance Committee Substitute as amended:

Delete the entire Senate Finance Committee Substitute Adopted 7/8/04 and substitute the attached Proposed Conference Committee Substitute H1594-PCCS80485-RB-6.

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

Date Conferees approved report: July 14, 2004.

*Conferees for the Senate*

S/Sen. John H. Kerr, III, Chair  
S/Sen. Charles W. Albertson  
S/Sen. Richard Stevens

*Conferees for the House of Representatives*

S/Rep. R. Phillip Haire, Chair  
S/Rep. Julia C. Howard, Chair  
S/Rep. Joe P. Tolson  
S/Rep. Stephen A. LaRoque

The text of the attached Proposed Conference Committee Substitute, PCCS H1594-PCCS80485, which changes the title, is as follows:

A BILL TO BE ENTITLED  
AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO  
INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE  
ALARM SYSTEMS LICENSING ACT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 74D-7(e) reads as rewritten:

- "(e) The Board may charge fees as follows:
- (1) A nonrefundable initial license application fee in an amount not to exceed one hundred fifty dollars (\$150.00).
  - (2) A new or renewal license fee in an amount not to exceed ~~three hundred fifty dollars (\$350.00)~~ five hundred dollars (\$500.00).
  - (3) A late license renewal fee to be paid in addition to the renewal fee due in an amount not to exceed one hundred dollars (\$100.00), if the license has not been renewed on or before the expiration date of the license.
  - (4) A registration fee in an amount not to exceed ~~twenty dollars (\$20.00)~~ fifty dollars (\$50.00) plus any fees charged to the board for background checks by the State Bureau of Investigation.
  - (5) A fee for reregistration of an employee who changes employment to another licensee, not to exceed ten dollars (\$10.00).
  - (6) A branch office certificate fee not to exceed one hundred fifty dollars (\$150.00).

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- (7) A fee not to exceed fifty dollars (\$50.00) for each reconsideration of a license or registration permit that has been filed or returned to the applicant for correctable errors.

All fees collected pursuant to this section shall be expended, under the direction of the Board, for the purpose of defraying the expense of administering this Chapter."

**SECTION 2.** This act is effective when it becomes law.

The Conference Report is placed on the Calendar for tomorrow, Thursday, July 15, for adoption.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**H.B. 1463** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION.

Pursuant to the message from the House of Representatives received Wednesday, July 7, that the House fails to concur in the Senate Committee Substitute bill for H.B. 1463 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, appoints Senator Hoyle, Chair; Senator Thomas; Senator Swindell and Senator Garwood as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

#### **CALENDAR** (*continued*)

**S.B. 1225** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

Senator Clodfelter offers Amendment No. 2 which is adopted (49-0).

Senator Horton offers Amendment No. 3 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its third reading (47-2) and is ordered engrossed and sent to the House of Representatives by special message.

**H.B. 173** (Senate 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, as amended on second reading.

The Senate Committee Substitute bill, as amended, passes its third reading (36-12) and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

**S.B. 1145** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, TO CLARIFY THAT THE CREDIT FOR

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CREATING JOBS IS ALLOWED ONLY FOR NEW JOBS CREATED IN THIS STATE, AND TO PROHIBIT THE USE OF FUTURE ROOM TAX COLLECTIONS IN CERTAIN COUNTIES AND CITIES TO DEVELOP OR CONSTRUCT A HOTEL OR SIMILAR LODGING FACILITY, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 49, 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, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein and White—49.

Voting in the negative: None.

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

**S.B. 464** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIONAL RIFLE ASSOCIATION SPECIAL REGISTRATION PLATE, for concurrence in the House Committee Substitute bill No. 2

Upon motion of Senator Hoyle, the Senate concurs in the House Committee Substitute bill No. 2 (47-2) and the measure is ordered enrolled and sent to the Governor by special message.

**S.B. 1148** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE SUPPORT AND TRAINING FOR LONG-TERM CARE PROVIDERS CARING FOR RESIDENTS WITH MENTAL ILLNESSES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Swindell, 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.

**S.B. 1218** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CHILD RESTRAINT SYSTEM REQUIREMENTS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, 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 (40-9) and the measure is ordered enrolled and sent to the Governor by special message.

**H.B. 817** (Conference Report), 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, for adoption.

Upon motion of Senator Thomas, the Conference Report is adopted (46-3).

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A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

**H.B. 1401**, A BILL TO BE ENTITLED AN ACT TO PERMIT THE COUNTY OF WILKES TO ACQUIRE PROPERTY AND CONVEY IT TO THE STATE FOR USE AS A VISITORS' CENTER/REST AREA, placed earlier on today's Calendar.

The bill passes its second (49-0) and third readings and is ordered enrolled.

**H.B. 1422** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN MINT HILL AND MUNICIPAL EMPLOYEES AND LAW ENFORCEMENT OFFICERS OF THE CITY OF KINGS MOUNTAIN TO OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, placed earlier on today's Calendar.

The Senate Committee Substitute bill passes its second (48-1) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

#### WITHDRAWAL FROM COMMITTEE

**H.B. 1723** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EXISTING CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' MAJOR MEDICAL PLAN, referred to the **Select Committee on Employee Hospital and Medical Benefits Committee** on July 9, 2004.

Pursuant to Rule 47 (a), Senator Rand offers a motion that the bill be withdrawn from the **Select Committee on Employee Hospital and Medical Benefits Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the bill be withdrawn from the **Select Committee on Employee Hospital and Medical Benefits Committee** and places it on today's Calendar.

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

#### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

**S.B. 20** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LICENSURE OF PROFESSIONAL EMPLOYER ORGANIZATIONS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 15, for concurrence in the House Committee Substitute bill.

July 14, 2004

**S.B. 848** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX INCENTIVE FOR AN ADVANCED VEHICLE RESEARCH CENTER IN NORTHAMPTON COUNTY, for concurrence in the House Committee Substitute bill.

Referred to the **Finance Committee**.

Upon motion of Senator Basnight, seconded by Senator Queen, the Senate adjourns subject to receipt of Conference Reports, Committee Reports, and the appointment of Conferees, to meet tomorrow, Thursday, July 15, at 11:00 A.M.

#### **SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

**S.B. 1054** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE UNLAWFUL DISTRIBUTION OF METHAMPHETAMINE THAT PROXIMATELY RESULTS IN THE DEATH OF A PERSON IS SECOND DEGREE MURDER, TO MAKE IT AN AGGRAVATING FACTOR TO MANUFACTURE METHAMPHETAMINE IN A LOCATION THAT ENDANGERS A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR THE UNLAWFUL MANUFACTURE OF METHAMPHETAMINE, AND TO INCREASE THE CRIMINAL PENALTY FOR THE POSSESSION OF PRECURSOR SUBSTANCES FOR METHAMPHETAMINE, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, TO REQUIRE THE COMMISSION FOR HEALTH SERVICES TO ESTABLISH DECONTAMINATION STANDARDS FOR PROPERTY USED FOR THE MANUFACTURE OF METHAMPHETAMINE, TO IMPOSE AN ENHANCED SENTENCE FOR CONVICTION OF MANUFACTURE OF METHAMPHETAMINE IF THE OFFENSE RESULTS IN SERIOUS INJURY TO A LAW ENFORCEMENT OFFICER, PROBATION OR PAROLE OFFICER, EMS EMPLOYEE, OR FIREFIGHTER AND TO PROVIDE IMMUNITY FROM CIVIL AND CRIMINAL LIABILITY FOR CERTAIN GOOD FAITH ACTIONS OF A PERSON PARTICIPATING IN A METHAMPHETAMINE WATCH PROGRAM, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 15, for concurrence in the House Committee Substitute bill.

**S.B. 1083** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES, AND TO EXEMPT HISTORIC VEHICLES FROM THE REQUIREMENT FOR A SAFETY INSPECTION, for concurrence in the House Committee Substitute bill.

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The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 15, for concurrence in the House Committee Substitute bill.

**H.B. 1429** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE FISHERY MANAGEMENT PLANS TO ACHIEVE SUSTAINABLE HARVEST RATHER THAN OPTIMAL YIELD AND TO SPECIFY A TIME PERIOD FOR ENDING OVERFISHING AND REBUILDING A FISHERY.

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

House of Representatives  
July 14, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 817** (Conference Committee Substitute), 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.

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 14, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for **H.B. 1345**, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES, and requests conferees.

Speaker Morgan has appointed:

Representative Crawford, Chair  
Representative Gillespie, Chair  
Representative Cole  
Representative Saunders  
Representative K. Williams

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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  
July 14, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for **H.B. 1264**, A BILL TO BE ENTITLED AN ACT TO ADOPT REGULATORY FEES, and requests conferees.

Speaker Morgan has appointed:

Representative Crawford, Chair	Representative Wainwright
Representative Sherrill, Chair	Representative McComas
Representative Earle	Representative G. Allen
Representative Baker	Representative Howard
Representative Owens	Representative Luebke
Representative Grady	Representative Miner
Representative Clary	Representative Hackney
Representative Wright	Representative Kiser

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. 1264** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE VITAL STATE FACILITIES FOR HEALTH CARE AND BIOTECHNOLOGY RESEARCH, TO CREATE THE DEBT AFFORDABILITY ADVISORY COMMITTEE, AND TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND THE STATE BOARD OF COMMUNITY COLLEGES TO CONTRACT WITH A PRIVATE CONSULTING FIRM TO STUDY UNIVERSITY AND COMMUNITY COLLEGE PROGRAMMING AND CAPITAL NEEDS.

Pursuant to the message from the House of Representatives received earlier today

July 14, 2004

that the House fails to concur in the Senate Committee Substitute bill for H.B. 1264 and requests conferees, Senator Basnight, President *Pro Tempore*, appoints Senator Kerr, Chair; Senator Jenkins; Senator Clodfelter; Senator Queen; Senator Nesbitt; Senator Garrou; Senator Hagan; Senator Dalton; Senator Weinstein; Senator Rand; and Senator Dannelly 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.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**S.B. 1118** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDISTRIBUTE THE FUNDS DERIVED FROM THE FIRST IN FORESTRY SPECIAL PLATE, TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO AUTHORIZE DMV TO ISSUE THE FOLLOWING NEW SPECIAL PLATES: DAUGHTERS OF THE AMERICAN REVOLUTION, EL PUEBLO, HOMES4NC, NC 4-H DEVELOPMENT FUND, SPORT FISHING, COMMERCIAL FISHING, AND A HIGH SCHOOL INSIGNIA PLATE.

Pursuant to the message from the House of Representatives received earlier today that the House fails to concur in the House Committee Substitute bill for S.B. 1118 and requests conferees, Senator Basnight, President *Pro Tempore*, appoints Senator Kerr, Chair; Senator Hoyle; Senator Albertson; and Senator Purcell as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

**H.B. 1464** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE BY TEN THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN LOCAL SCHOOL ADMINISTRATIVE UNITS THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT LOCAL BOARDS OF EDUCATION SCHEDULE FIVE NONINSTRUCTIONAL TEACHER WORKDAYS AT THE BEGINNING OF THE SCHOOL YEAR AND AT THE END OF EACH ACADEMIC QUARTER, AND THAT THESE DAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES; TO PROVIDE THAT NONINSTRUCTIONAL TEACHER WORKDAYS MAY CONTINUE TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED

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VACATION LEAVE MAY TAKE THAT LEAVE AND TO REQUIRE AT LEAST TWO OF THOSE DAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO ALLOW ANY OF THE NONINSTRUCTIONAL TEACHER WORKDAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS MAKE-UP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL" AS HAVING A SCHOOL CALENDAR THAT COVERS AT LEAST ELEVEN CALENDAR MONTHS; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 6:34 P.M.

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#### ONE HUNDRED FORTY-SIXTH DAY

Senate Chamber  
Thursday, July 15, 2004

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

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

"Dear Lord, we can all be reconcilers but we don't practice this art form as often as we should.

"Abraham Lincoln was hired once to sue someone over a \$2.50 debt. Lincoln didn't want to do it, but his client insisted. So Mr. Lincoln asked for a fee of \$10 up front. He then gave half to the defendant, who promptly paid his debt, and everyone went home happy.

"Reconciliation over still pending legislation may not be quite that easy, but we

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pray for your spirit of reconciliation to abound. For your sake, Amen."

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

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

*The President of the Senate extends courtesies of the floor to Debbie Allen from Pittsboro, 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. 464**, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIONAL RIFLE ASSOCIATION SPECIAL REGISTRATION PLATE.

**S.B. 1063**, AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS.

**S.B. 1145**, AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, TO CLARIFY THAT THE CREDIT FOR CREATING JOBS IS ALLOWED ONLY FOR NEW JOBS CREATED IN THIS STATE, AND TO PROHIBIT THE USE OF FUTURE ROOM TAX COLLECTIONS IN CERTAIN COUNTIES AND CITIES TO DEVELOP OR CONSTRUCT A HOTEL OR SIMILAR LODGING FACILITY.

**S.B. 1148**, AN ACT TO PROVIDE SUPPORT AND TRAINING FOR LONG-TERM CARE PROVIDERS CARING FOR RESIDENTS WITH MENTAL ILLNESSES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

**S.B. 1218**, AN ACT TO MODIFY THE CHILD RESTRAINT SYSTEM REQUIREMENTS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

**H.B. 817**, 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.

**H.B. 1354**, AN ACT TO STRENGTHEN THE LAWS AGAINST DOMESTIC VIOLENCE, TO PROVIDE ADDITIONAL ASSISTANCE TO DOMESTIC VIOLENCE VICTIMS, AND TO MAKE OTHER CHANGES AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE.

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**H.B. 1453**, AN ACT TO MAKE IT A CLASS F FELONY TO DISCHARGE A FIREARM ON EDUCATIONAL PROPERTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE.

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

**S.B. 1305**, AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE TOWN OF ANGIER.

**S.B. 1315**, AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR CABARRUS COUNTY.

**H.B. 1401**, AN ACT TO PERMIT THE COUNTY OF WILKES TO ACQUIRE PROPERTY AND CONVEY IT TO THE STATE FOR USE AS A VISITORS' CENTER/REST AREA.

**H.B. 1688**, AN ACT TO ALLOW A DEFERRED EFFECTIVE DATE FOR CERTAIN VOLUNTARY ANNEXATIONS OF THE CITY OF CONCORD.

**H.B. 1700**, AN ACT TO EXTEND THE SUNSET ON THE DURHAM CITY ADDITIONAL MUNICIPAL VEHICLE TAX AND CONCERNING THE PURPOSES FOR WHICH THOSE FUNDS MAY BE EXPENDED.

**H.B. 1734**, AN ACT TO ALLOW THE TOWN OF OCEAN ISLE BEACH TO IMPOSE A CANAL DREDGING FEE.

### CALENDAR

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

**H.B. 737** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DEFINE A UNIFORM PROGRAM OF PUBLIC CAMPAIGN FINANCING AND TO AUTHORIZE THE TOWN OF CHAPEL HILL TO CONDUCT SUCH A PROGRAM.

Upon motion of Senator Rand, the Senate Committee Substitute bill No. 2 is withdrawn from today's Calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

**H.B. 1699**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, upon third reading.

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The bill passes its third reading, by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Brock, Carpenter, Carrington, Clodfelter, Dannelly, Dorsett, Forrester, Foxx, Garrou, Garwood, Hagan, Hargett, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Rucho, Shaw, Shubert, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Weinstein and White—43.

Voting in the negative: Senator Webster—1.

The bill is ordered enrolled and sent to the Governor by special message.

**H.B. 859** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW CONCERNING THE ELECTION OF MEMBERS OF THE BOARD OF FUNERAL SERVICE AND TO ESTABLISH A NEW PROCESS WHEREBY MEMBERS ARE APPOINTED TO SERVE ON THE BOARD.

The Senate Committee Substitute bill passes its third reading (25-18) and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

**S.B. 20** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LICENSURE OF PROFESSIONAL EMPLOYER ORGANIZATIONS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Bingham, the Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled and sent to the Governor by special message.

#### REPORTS OF COMMITTEES

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

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

**H.B. 1665** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DISPOSITIONAL HEARING OF A JUVENILE WHO IS IN RESIDENTIAL TREATMENT BE HELD IN THE COUNTY IN WHICH THE JUVENILE IS RECEIVING TREATMENT, with a favorable report.

#### CALENDAR *(continued)*

**S.B. 1054** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE UNLAWFUL DISTRIBUTION OF METHAMPHETAMINE THAT PROXIMATELY RESULTS IN THE DEATH OF A PERSON IS SECOND DEGREE MURDER, TO MAKE IT AN AGGRAVATING FACTOR TO MANUFACTURE METHAMPHETAMINE IN A LOCATION THAT ENDANGERS A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR THE UNLAWFUL MANUFACTURE OF

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METHAMPHETAMINE, AND TO INCREASE THE CRIMINAL PENALTY FOR THE POSSESSION OF PRECURSOR SUBSTANCES FOR METHAMPHETAMINE, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, TO REQUIRE THE COMMISSION FOR HEALTH SERVICES TO ESTABLISH DECONTAMINATION STANDARDS FOR PROPERTY USED FOR THE MANUFACTURE OF METHAMPHETAMINE, TO IMPOSE AN ENHANCED SENTENCE FOR CONVICTION OF MANUFACTURE OF METHAMPHETAMINE IF THE OFFENSE RESULTS IN SERIOUS INJURY TO A LAW ENFORCEMENT OFFICER, PROBATION OR PAROLE OFFICER, EMS EMPLOYEE, OR FIREFIGHTER AND TO PROVIDE IMMUNITY FROM CIVIL AND CRIMINAL LIABILITY FOR CERTAIN GOOD FAITH ACTIONS OF A PERSON PARTICIPATING IN A METHAMPHETAMINE WATCH PROGRAM.

Upon motion of Senator Dalton, the President orders, without objection, the House Committee Substitute bill temporarily displaced.

**S.B. 1083** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES, AND TO EXEMPT HISTORIC VEHICLES FROM THE REQUIREMENT FOR A SAFETY INSPECTION, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Jenkins, the Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled and sent to the Governor by special message.

**S.B. 1384** (Conference Report), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING AND AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING, for adoption.

Upon motion of Senator Albertson, the Conference Report is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Friday, July 16.

**H.B. 1594** (Conference Report), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT, for adoption.

Upon motion of Senator Kerr, the Senate adopts the Conference Report (40-7).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

**S.B. 1054** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE UNLAWFUL DISTRIBUTION OF METHAMPHETAMINE THAT PROXIMATELY RESULTS IN THE DEATH OF

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A PERSON IS SECOND DEGREE MURDER, TO MAKE IT AN AGGRAVATING FACTOR TO MANUFACTURE METHAMPHETAMINE IN A LOCATION THAT ENDANGERS A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR THE UNLAWFUL MANUFACTURE OF METHAMPHETAMINE, AND TO INCREASE THE CRIMINAL PENALTY FOR THE POSSESSION OF PRECURSOR SUBSTANCES FOR METHAMPHETAMINE, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, TO REQUIRE THE COMMISSION FOR HEALTH SERVICES TO ESTABLISH DECONTAMINATION STANDARDS FOR PROPERTY USED FOR THE MANUFACTURE OF METHAMPHETAMINE, TO IMPOSE AN ENHANCED SENTENCE FOR CONVICTION OF MANUFACTURE OF METHAMPHETAMINE IF THE OFFENSE RESULTS IN SERIOUS INJURY TO A LAW ENFORCEMENT OFFICER, PROBATION OR PAROLE OFFICER, EMS EMPLOYEE, OR FIREFIGHTER AND TO PROVIDE IMMUNITY FROM CIVIL AND CRIMINAL LIABILITY FOR CERTAIN GOOD FAITH ACTIONS OF A PERSON PARTICIPATING IN A METHAMPHETAMINE WATCH PROGRAM, temporarily displaced earlier, 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 by special message.

#### WITHDRAWAL FROM CALENDAR

**S.B. 1384** (Conference Report), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING AND AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING, placed on the Calendar for tomorrow, Friday, July 16.

Senator Rand offers a motion that the Conference Report be withdrawn from the Calendar for tomorrow, Friday, July 16, and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the Conference Report withdrawn from the Calendar for tomorrow, Friday, July 16, and places it on today's Calendar.

Upon motion of Senator Albertson, the Senate adopts the Conference Report (43-5).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**H.B. 1345** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STATE HIGHWAY PATROL MOTOR CARRIER ENFORCEMENT OFFICERS AND OFFICERS OF THE DIVISION OF MOTOR VEHICLES TO ENFORCE CERTAIN CRIMINAL LAWS, TO EXTEND THE TEMPORARY RULE-MAKING PERIOD FOR THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR ELECTRONIC BIDDING, AND

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TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Pursuant to the message from the House of Representatives received Wednesday, July 14, that the House fails to concur in the Senate Committee Substitute bill for H.B. 1345 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Jenkins, Chair, Senator Rand 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.

### PERSONAL PRIVILEGE

With unanimous consent, upon motion of Senator Horton and Senator Apodaca, the remarks of Senator Foxx who rises to a point of personal privilege, are spread upon the Journal, as follows:

#### Senator Foxx:

“Thank you, Madame President. Unless something unusual happens again, today will be my last day with all of you, and I wanted to give some public thanks and make a few remarks about my experiences here. First, the almost ten years of my term have gone by incredibly fast. I find it really hard to believe that it’s been ten years since I first came here. It’s been a very positive, if not always pleasant, experience for me, and I am grateful to God and the people who elected me. I want to say that the addition of Capitol Ministries here four years ago has been a definite plus. Jim Young has performed an invaluable service, and I hope more of you will participate in the Bible study and the prayer breakfasts that we have. The positive aspects of my experiences come from the great people who work here and have been so much help. It’s dangerous to try to name those people and groups, but I want to do some of that. All of the divisions – fiscal research, research, ISD, administration – have been a great help to me with legislation and with helping constituents. I want to give a special thanks to the Principal Clerk and all of the staff. Your dedication for doing things right is really remarkable and for taking care of so many things that we ask you to do on a personal level, such as certificates for our constituents. The staff of the library can’t be praised enough. I probably shouldn’t say this, but you might be able to reduce the staff after I leave because I’ve used them so much. The folks in the cafeteria are wonderful. The security staff is truly outstanding. Dot Waugaman and the folks who work with her are superb. Janet Black, who works with me, is beyond comparison. She served me so well. Senator Basnight, although we have not always agreed philosophically, you and the staff in your office have been extremely kind to me and have always done your best to help the constituents for whom I’ve been an advocate. And Senator Rand, I can say, ‘Ditto,’ to you. Many people in here have been kind to me over the years, and I’m very grateful to you. A couple of years ago, one of our colleagues in the House said in response to a person saying that we were important people, said something very profound. She said, ‘We are not important people. We are average people doing important work.’ And I agree with that, and I know that will continue to be the tradition of this Senate.

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As some of you know, I have a doctorate and it took me eight years to get it. However, my experiences here are worth several advanced degrees. I've learned so much, and some of that is how much there is to learn. Early on I learned there are not two sides to an issue but many, many sides. I'm a much better person for having had this experience, in terms of the humbling that has occurred. When I talk with groups, I tell them that it's remarkable at the high percentage of bills that pass unanimously or nearly unanimously here. Unfortunately, that does not get reported very often, and it should because we do work for the good of the people most of the time. Folks ask me all the time what's my favorite part of this job. And I say without hesitation, 'The opportunity to help average citizens who run into difficulty with their government and need assistance.' I want to share with you one of those episodes and challenge you to keep it in mind. In May, I got a letter, handwritten on a piece of notebook paper, from a lady out in the country in Watauga County. Her father-in-law had died in early February. He was a State retiree. They did not have a bank account. They did not have direct deposit for his retirement check. He had to get special dispensation to have that check mailed to him on a monthly basis. When he died, they reported it to the retirement system, as they should have. They said, 'We'll send you a form for his widow to fill out so she can continue to get that check.' A form went out, they filled it out, they sent it back, two months went by. They didn't hear anything. They called and they said, 'Oh we never got your form, we'll send you another one.' They called again, and they said, 'Oh sorry, it's taking awhile to process this.' This woman lived on that money. She was 84 years old. She needed that money. But she'd been denied her money for three months because of our system. I got that letter on a Saturday night. My husband read it before I did. He said, 'You are going to be furious when you read this letter.' I got in touch with the lady on Sunday – told her I would call, and on Monday I called the retirement office, Pam Deardorff, very nice lady. She said, 'I'll get on it.' By that afternoon she called me back. This was nearly the end of May, now remember, February, March, April, May, four months. She said, 'That lady will have her check the first of next week.' I said, 'You know, that's ok for that lady. But what is wrong with this system? What is wrong with the system that denies this woman her money for such a long period of time? And I'm not satisfied that you're taking care of this woman. What if the next person who has this problem doesn't know who their senator or representative is? And what if their senator or representative doesn't bother to pick up the telephone and call to solve this problem.' So I pressed the issue quite a bit with the director of the division, and I got a letter, which I'm going to circulate to all of you all because I want you to keep this letter. Mr. Williamson, to his credit, investigated the situation and found out that it was a bad process they had, and they have made improvements to the process. Now, if I've done nothing since I've been down here but this, I feel like it's worthwhile. My challenge to you is, every year that you are here, make some improvement to the system. Take the time to follow-up. I'm not great for having done this, but every one of us needs to do this, every one of us. If you did this, just one a year, think of how much better state government would operate, and how many people you would be helping, and what a wonderful example you would set. We're in the midst of a terrible campaign. People are very, very jaded about their government. But if you take the time to do something like this, you can change the attitude of the people in this society about all

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of us. Thank you very much, again, for all your kindnesses, and please remember the Mrs. Browns of the world.”

**Senator Webster:**

“I’ve observed the Senator that just spoke for ten years now, and I’ve seen nobody work as hard or as long as she does. I wish that I could take care of constituent inquiries, constituent needs, as well as Senator Foxx has done. Now, with that being said, I think it is appropriate that she leave \$200 with me to buy pizza for all of the Principal Clerk’s staff and the sergeant-at-arms and all of the staff when we are here at midnight Saturday night. Don’t you think that’s a...I mean I’ll take care of it if you’ll leave me \$200, maybe \$300, Virginia.”

**Senator Kinnaird:**

“I wanted to thank Senator Foxx for a very moving goodbye to all of us and to say goodbye because there aren’t many women in this Body. One of the things I hope she will inspire when she goes back and becomes maybe a Congresswoman is that she will inspire more women because I think women bring a very special feeling to this Body. We haven’t agreed a lot of times philosophically, but very often we have agreed on certain issues that mean a lot to people, and certainly you demonstrated that in your talk. So I challenge you to go back and say to all those young women, ‘We need you to get active in politics.’ Again, I thank you for your presence here and our friendship.”

**Senator Basnight:**

“Virginia, you have been wonderful. Your flowers, your love, your concern, your energy. Your everytime consuming passion to help others has more than impressed all who know you. I thank you for your generosity. I thank you for your love of others, and I wish you the very best on behalf of every member here. We wish you success in any endeavor in your life, and I am very, very hopeful that our paths do cross often, and that we can share and reminisce in all of the past and look forward to that brighter future that you dream of for all people. You are one fabulous human being. Your family should be awfully proud of you, as this family here is. God’s speed.”

**Senator Basnight:**

“I had the luxury to serve with Bob Rucho. You have as well. I watched his son grow and share some time with all of us in this Chamber. A boy full of life and imagination and love of the world, and that’s why Bob Rucho’s going home, I would guess. But that’s why many of us are here is for the Ruchos of the world. They grow and prosper in this State and do well. Bob, I told you a while ago that I’m going to miss you, and I wish you were not leaving. I wish you were not leaving because you have the courage to stand and speak the true, honest opinion of your convictions, and there are not often times that I disagree with those convictions. You have a willingness to teach all of us the values that you trust and you believe in. You are a wonderful, God-fearing, good man. North Carolina will miss you, your district will miss you, but I think most especially everyone in this Chamber is going to miss you, and maybe one day, you can come back and again serve in this Body that you love so much. I thank you.”

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**Senator Rucho:**

“Ladies and gentlemen of the Senate, I was not going to speak. Virginia Foxx talked about a lot of the issues, and I’ll be very brief. Senator Basnight, I consider you a friend. We’ve spent time together privately. You haven’t bought me dinner yet; I’m still waiting for that one. But maybe I’ll come to your restaurant, and we’ll have a chance. I consider each of you friends. We’ve had some folks that have left us and some new folks coming back. I consider it an honor to be a member of the North Carolina Senate and to be part of this General Assembly trying to do good for the people. I think each of us here have tried to do what we believe is the best interests of the people of our State. I’ve enjoyed every moment of it, even when Senator Basnight said he agreed with me most of the times – it’d be nice if he actually voted with me. You’re back to Senator Weinstein, he says, ‘I agree with you.’ I was starting to get a little complex this year. I talked with Senator Berger, and I said, ‘Now every time you make a motion or something of that sort and I speak for it or vice versa, we never win.’ I said, ‘Is it you, Berger, or is it me?’ But I do want to say to you thank you very much, I’ve enjoyed every moment of it, and this is something that I’ll cherish forever. I will say to you, maybe at some point we can talk like Arnold Schwarzenegger and say, ‘I’ll be back.’ Well, we’ll see what happens. Thank you very much, I appreciate it.”

**Senator Basnight:**

“Senator Shubert, you have demonstrated to us a willingness to speak all that you believe and that you trust in. You have impressed each and every one of us with your conviction again to be truthful, to be honest, to be sincere, and to spend a generous amount of time explaining those positions. But there was one particular day when you were speaking on education, you made me go back and research and you made some other people research what you were saying, and it was absolutely true on that particular issue that you were involved in, and you had shown myself as well as others that there was something occurring there that was not right, and it needed to be changed. So in listening to your explanations of education and the future and the things that we should do for the State and its children has been extremely valuable. So that time was important to all of us. We can only wish you the very best in all your ventures and all those opportunities that you’ll always have to strengthen opportunities for others. We thank you for that. We thank you for being here. Even though the time was brief in the Senate, you left a major impact on all of us from your time in the House and here as well. Now you’re on that journey to become Governor of North Carolina and to express those opinions and hopefully change how others feel, and I believe that’s what you’re trying to achieve on the big stage. We offer you the very, very best in life. Thank you.”

**Senator Shubert:**

“Thank you, Madame President. You’re in luck; this will be relatively brief because I hadn’t planned to speak today. I cannot begin to be as eloquent as Senator Foxx. There are many people that I should recognize and thank, but since this is a little bit extemporaneous, it will not cover all those points. It has been a pleasure to have the opportunity to work to try to make some changes I think are needed, and I guess I’ve rejected the idea of leaving because I’m hoping just to move down the street a couple of blocks. I can assure you, should that be the case, you will see me a

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lot more than the present resident because I consider you friends that I've worked with, and we have the same goals, we just have some real strong differences of opinion on how to achieve those goals. So I look forward to continuing our relationship, perhaps a little bit differently, and I wish you all the best. Thank you."

**Senator Basnight:**

"Eric, when you first came into the office I remember the day and the time when you wanted to share with me these wild dreams of us connecting the world with electronic technologies and how the State was behind on its efforts to save money and manpower to be able to pull information together quickly and much cheaper, and to gain more knowledge and more information so that we could have before us, even though we don't have it in the Chambers today, I bet you one day it'll be here, the kind of information that we had to have to move into the new generation of knowledge. I remember Eric telling me you would be able to pick up the kind of information that you may want on anything in Asia just instantly, and he was showing me how you could do that and how you could take and hold in your hand a credit card and all the information in your life could be on that card. Now this was before anyone had spoken of that. It was the kind of knowledge that he knew would occur. Now how he knew I wasn't sure, but he had shared this knowledge with all of us and how we would license the future responsibilities of whatever endeavor we were participating in and getting information from others or businesses or whatever it may be. But everything would be electronic. It would control our cars, you were telling me. We would go down the highway and accidents would no longer occur. The car would be in order at a certain speed and we would just fly down the road. He was telling me it was occurring in some way in San Diego on a limited basis. But it would be happening in North Carolina. But what you really wanted to see was that we led the world. We didn't pick up this information or knowledge from other places, but we were the genius in front of the future of technologies. I went out with him through the Research Triangle Park one night and met all these people who knew so much about the world and how they were spending money here. One person told me, 'The only reason my business is here is Eric Reeves. No other reason am I settled here with our company with 200-plus employees.' And that was because of Eric's knowledge and vision and the laws that we passed because of Eric. Now the part that you know about him and you see is his love of his family. His little girl, his wife, his in-laws, his parents and the generosity of what they've given to this State – what your father-in-law has given and what your father has given. These are things that maybe sometimes you don't speak of as often as you could. But you have a very generous, God-fearing, loving family. You are very fortunate in that you're in this State and in this city and that you'll still be around and still be with us and still doing the good work. We thank you for that. But you know what? I have a little feeling he's still going to be around, don't you? He'll be working the good fight to do the good things. Eric, we thank you for the years here and look forward to working with you. God's speed in all those endeavors. Thank you, Eric."

**Senator Reeves:**

"As many of ya'll know, I didn't grow up in North Carolina. I came here to go to school and stayed. It's always been interesting to me that the City of Raleigh opened up

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its arms to me to invite me to be on the Raleigh City Council only having lived here about three years. Then having an opportunity in 1996 to come and join this group, which is very exciting to me because my father-in-law served in the Senate from 1954 to 1967. I did ask Janet Pruitt when I got here if I could have a seat that he sat in in this Chamber. The unfortunate thing was that he only ever sat in #1, and I thought I might wait a little bit for that. But as a non-North Carolinian native, it is been very exciting to be a part of the change that this State has seen over the past ten to twelve years. We've grown so much. We've changed so much. You don't get very many opportunities in life to be in a leadership position at a time of change. If you think about it, really the last time this State changed as much as we've changed in the last ten years was back in the '50s when we had the big change in the agriculture economy. So it's just been thrilling to watch. It's also exciting to know that a lot of people in the State of North Carolina that are voting and paying attention to things are a lot like me. They made a conscious decision to move to this State. You were talking yesterday about the tourism and being down in your area. One of the most exciting days that I've had in the last while was...Lizzie and I went up on an Indian Guides, Indian Princess deal to Washington, D.C., and we did all that. And we took a real fun trip back to Raleigh. I had always wanted to go to Yorktown; I'd never been to Yorktown before, and I thought that was something we needed to do. That night we drove in the dark through that part of the country and we spent the night out near Kill Devil Hills. We woke up the next morning and did that, and Ham, you'll be happy to know that as Lizzie just finished her fourth grade that she had all of the knowledge of the history of the state. She was very excited to be there at the sight of the first flight. We went down to Cape Hatteras. She knew that. But probably the most exciting thing because we were traveling in March and there's not a lot of tourism at that time of year, but we went over to Roanoke Island, and went to the facility there. And there wasn't a soul there except for the people working – the state park folks, and she just dominated their time. She wanted to know where that post was that said 'Croatian' or whatever it was on it. You see I don't know these things. You know, I can tell you about the San Jacinto or the battle of the Alamo or something like that, but I don't know all my North Carolina history the way I ought to. But getting to see it through a fourth-grader's eyes is really impressive. So anyway, I appreciate all the friendship that you all have shown me. It's interesting; I missed voting on some votes this session – on today's session – because I was negotiating something on our behalf, and I came in and talked to Fletcher, and sometimes negotiations can get really testy. The relationships between this Chamber and the other Chamber are not always couched in a degree of respect or courtesy that I think ought to be shown. But always in this Chamber, when you're negotiating internally here, I've always had, even with really good disagreements, a sense of courtesy. Maybe that's just the way the Chamber is; maybe that's just the way they all are across the country. But I'm sure glad I got to serve here and not over there."

**Senator Basnight:**

"I got elected in '84, came here in '85. I sat down by a round, chubby African American. He had an afro about as big as four bowling balls up there on his head, and he became the best friend I had in the North Carolina Senate. He gave me so much about life and about people. I would call Ralph at nights, and I can remember the telephone calls where I called Ralph were lengthy. We would stay on the phone thirty minutes, forty-five minutes, and you could always hear the cash register working. Ralph was always working that cash register making certain the line was moving, and

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they were getting whatever they needed in that store. 'Hold on, I'll be right back,' he would go sell a larger bottle of milk and tell them, 'You know you're better off not buying this small one. Get this large one and you just save money.' And Ralph would tell me, 'And I made a little more too.' But Ralph would talk to me those nights, and then occasionally he would call me. Mostly I would call him. I kind of got caught up on this. We were getting \$40 or \$60 at a time for telephones, and they were high back then. But when Ralph would call, five minutes the conversation was over. He would hang up. I figured out Ralph was paying on his side; I was paying on my side. Took a little while, but we got there. Ralph, you gave to all of us in the Senate through those years an understanding of race that no one could have prepared me for what I needed to know - how we were one people, how we were separated, and how and why difficulties occur for African Americans when they don't for people my color. I understood that, Senator Horton, and for the first time in my life I never fully could find reason, could never find any difference in any person because of their color, but I didn't understand why so much conflict, why so much difficulty, why so much strife, or why you wanted to pass some law that you couldn't do a certain thing if you were of a certain color. Why in our history did we allow that to happen? I never gave it any thought. It never would rise up to my dreams at night for people. But you made me dream, and you changed me as a person more than anybody I ever met in my whole life. You have a gorgeous family. I love Rebecca dearly. The success of your children and yourself is an example for me and my family and many, many other people. You taught me that we are no different, and I am so fully convinced in my life today that we're all one of God's people more than ever because of you, Ralph Hunt. Not because of what I read or see or feel, but because of what you have given me. You are God's treasure to life. I love you dearly. I only wish you could come back for another year and another year and another year. We were lucky to have you, Ralph Hunt. Thank you."

**Senator Hunt:**

"I thank you, Madame President and Senate colleagues. I just want to say to Marc that in spite of his efforts to delay my chance to stand and make remarks here, and in spite of all of the good things that he just said there about me, although they are true, after this Senate adjourns, I'm out of here. I'm not going to stick around beyond that particular time. Let me just say, however, in a serious manner, it was just a few weeks ago that I exercised the privilege of coming back to the Senate after an eleven-year hiatus. Of course, it was at that time that I was privileged to stand here and say to you how happy I was to come here - to come here and exercise the opportunity of renewing old friendships and acquaintances and to develop new ones. I've had that opportunity, and, of course, that is an invaluable experience for me. As Marc indicated, we both came here in 1985 after being elected in 1984, and, of course, we were one seat removed from being seatmates, one next to the other. Our seatmate between the two of us was the late Senator Bob Martin. Now Marc indicates what he was able to learn about certain aspects of life based on the conversations he and I had had, but I want to include Bob Martin to complete that trio. You would perhaps be extremely surprised at what I was able to learn after talking with Marc and after talking with Senator Martin. I was able to learn a tremendous amount about life, and, of course, that has helped me over the years since we first met. Marc and I had a very private conversation when Bob Jordan, who was Lieutenant Governor at that time,

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convened us; I believe it was at the Velvet Cloak Inn or some other public facility here. Of course, we were over to the side, removed from the general group of Democratic senators, and we just talked. He talked about the Northeast; I talked about the Piedmont. I talked about my experiences over the years; he talked about his. From those conversations initially we were able to begin to learn a lot, not only about one another, but about areas of the State of North Carolina which neither of us had experience in having lived. Those were some of the wonderful things, and Marc and I, you know we have jabbed at one another ever since we met. He jabbed today, but I'm still not going to stay beyond the adjourning of this body. I just want to say to those who were here during my previous stint here in the Senate – it has been a wonderful experience having the opportunity to come back and serve with you again. For those who have come since I left in 1993 and who are here now, I just want to say it's been marvelous. Senator Thomas, it's really an experience for me to be able to serve with you because I had the experience of serving with your father. You remind me so much of my oldest son. So I've said to Senator Basnight and some others when we were in our general conversation that I was a little reluctant to make certain comments that they might understand. I was somewhat reluctant to make those comments in your presence because you remind me so much of my son in a new generation. So it's to your benefit that you didn't hear some of those conversations that we carried on. But let me just say that it's been a wonderful experience for me, not quite, however, as wonderful as the experience which I'm about to return to, and that is to retirement. That will give me an opportunity to enjoy my family more as I had been doing for the past three years since my complete retirement. It will give us an opportunity to spend a great deal of time in another section of the State – in Eastern North Carolina – as we had done for twenty-two years. It will give me an opportunity to relax a little bit more. I have chosen to take a low-profile position here since I've been here during this interim period simply because I found out earlier that if you wait long enough, anything that you were going to say, someone else is going to say it. So that has been my choice, and for me it has worked, and I hope it has worked in the interest of all of us here. And thank you so much for being so kind and welcoming me back here to this short session. May God bless and keep all of you healthy, happy, and certainly wise. Thank you so much.”

Upon motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns subject to receipt of committee reports, conference reports and messages from the House of Representatives, to meet tomorrow, Friday, July 16, at 11:00 A.M.

#### **SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

**S.B. 916** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CIVIL NO-CONTACT ORDERS FOR THE PROTECTION OF EMPLOYEES FROM WORKPLACE VIOLENCE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Friday, July 16, for concurrence in the House Committee Substitute bill.

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**S.B. 52** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT PERSONNEL MEDIATIONS BY THE UNIVERSITY OF NORTH CAROLINA SYSTEM ARE NOT CONSIDERED "PRACTICE LAW"; THAT RECORDS CREATED AS PART OF THOSE PERSONNEL MEDIATIONS ARE NOT PUBLIC RECORDS; AND THAT PARTICIPANTS IN THOSE PERSONNEL MEDIATIONS ARE TREATED SIMILARLY TO PARTICIPANTS IN OTHER MEDIATIONS, TO PROVIDE FOR OPEN DISCOVERY IN ALL FELONY CASES, AND TO MAKE CERTAIN OTHER AMENDMENTS TO THE LAWS REGARDING DISCOVERY IN CRIMINAL CASES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Friday, July 16, for concurrence in the House Committee Substitute bill.

**S.B. 74** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING WINERY PERMITS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Friday, July 16, for concurrence in the House Committee Substitute bill.

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 **H.B. 1594** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT.

Pursuant to your message that you have adopted the report of the Conferees, we will order the bill enrolled.

Respectfully,  
Denise G. Weeks  
Principal Clerk

House of Representatives  
July 15, 2004

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 1118**, A BILL TO BE ENTITLED AN ACT TO REDISTRIBUTE THE FUNDS DERIVED FROM THE FIRST IN FORESTRY SPECIAL PLATE, TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY

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PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO AUTHORIZE DMV TO ISSUE THE FOLLOWING NEW SPECIAL PLATES: DAUGHTERS OF THE AMERICAN REVOLUTION, EL PUEBLO, HOMES4NC, NC 4-H DEVELOPMENT FUND, SPORT FISHING, COMMERCIAL FISHING, AND A HIGH SCHOOL INSIGNIA PLATE, and requests conferees, Speaker Black appoints:

Representative Lewis, Chair  
Representative Brubaker  
Representative Gibson, and  
Representative Goodwin

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 as follows:

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

**H.B. 1636** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX CREDITS FOR DISPENSING AND PROCESSING RENEWABLE FUELS, 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 10327, is adopted and engrossed.

#### CONFERENCE REPORT

Senator Kerr for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1118** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDISTRIBUTE THE FUNDS DERIVED FROM THE FIRST IN FORESTRY SPECIAL PLATE, TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO AUTHORIZE DMV TO ISSUE THE FOLLOWING NEW SPECIAL PLATES: DAUGHTERS OF THE AMERICAN REVOLUTION, EL PUEBLO, HOMES4NC, NC 4-H DEVELOPMENT FUND, SPORT FISHING, COMMERCIAL FISHING, AND A HIGH SCHOOL INSIGNIA PLATE, submits for adoption the following report:

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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 1118, A BILL TO BE ENTITLED AN ACT TO REDISTRIBUTE THE FUNDS DERIVED FROM THE FIRST IN FORESTRY SPECIAL PLATE, TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO AUTHORIZE DMV TO ISSUE THE FOLLOWING NEW SPECIAL PLATES: DAUGHTERS OF THE AMERICAN REVOLUTION, EL PUEBLO, HOMES4NC, NC 4-H DEVELOPMENT FUND, SPORT FISHING, COMMERCIAL FISHING, AND A HIGH SCHOOL INSIGNIA PLATE, House Committee Substitute Favorable 6/28/04, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute Favorable 6/28/04, and the Senate concurs in the House Committee Substitute, as amended:

On page 1, line 2, rewrite the line to read:  
"AN ACT TO INCREASE THE FEE FOR THE FIRST IN";

on page 3, line 35, rewrite the line to read:  
"First in Forestry ~~\$20.00~~\$30.00";

and on page 4, line 29, rewrite the line to read:  
"First in Forestry \$10 ~~0~~\$10 \$10 0".

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

Date Conferees approved report: July 15, 2004.

*Conferees for the Senate*

*Conferees for the House of Representatives*

S/John H. Kerr, III, Chair  
S/David W. Hoyle  
S/Charles W. Albertson  
S/William R. Purcell

S/David R Lewis, Chair  
S/Harold J. Brubaker  
S/Pryor A. Gibson, III  
S/G. Wayne Goodwin

The Conference Report, which changes the title, is placed on the Calendar for tomorrow, Friday, July 16, for adoption.

### REPORTS OF COMMITTEES

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

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By Senator Swindell for the **Education/Higher Education Committee**:

**H.B. 1464** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE BY TEN THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN LOCAL SCHOOL ADMINISTRATIVE UNITS THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT LOCAL BOARDS OF EDUCATION SCHEDULE FIVE NONINSTRUCTIONAL TEACHER WORKDAYS AT THE BEGINNING OF THE SCHOOL YEAR AND AT THE END OF EACH ACADEMIC QUARTER, AND THAT THESE DAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES; TO PROVIDE THAT NONINSTRUCTIONAL TEACHER WORKDAYS MAY CONTINUE TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE AND TO REQUIRE AT LEAST TWO OF THOSE DAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO ALLOW ANY OF THE NONINSTRUCTIONAL TEACHER WORKDAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS MAKE-UP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL" AS HAVING A SCHOOL CALENDAR THAT COVERS AT LEAST ELEVEN CALENDAR MONTHS; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW, 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 80486, which changes the title to read **H.B. 1464** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE BY FIVE THE NUMBER OF

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NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN ANY LOCAL SCHOOL ADMINISTRATIVE UNITS IN A COUNTY THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT FIVE NONINSTRUCTIONAL TEACHER WORKDAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES AND ARE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO PROVIDE THAT THE REMAINING NONINSTRUCTIONAL TEACHER WORKDAYS ARE SCHEDULED BY THE LOCAL BOARD OF EDUCATION IN CONSULTATION WITH EACH SCHOOL'S PRINCIPAL FOR USE AS TEACHER WORKDAYS, ADDITIONAL INSTRUCTIONAL DAYS, OR OTHER LAWFUL PURPOSES AND MAY BE DESIGNATED AS MAKEUP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL"; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW, is adopted and engrossed.

#### CONFERENCE REPORT

Senator Kerr for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1264** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE VITAL STATE FACILITIES FOR HEALTH CARE AND BIOTECHNOLOGY RESEARCH, TO CREATE THE DEBT AFFORDABILITY ADVISORY COMMITTEE, AND TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND THE STATE BOARD OF COMMUNITY COLLEGES TO CONTRACT WITH A PRIVATE CONSULTING FIRM TO STUDY UNIVERSITY AND COMMUNITY COLLEGE PROGRAMMING AND CAPITAL NEEDS, submits for adoption the following report:

July 15, 2004



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 1264, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE VITAL STATE FACILITIES FOR HEALTH CARE AND BIOTECHNOLOGY RESEARCH, TO CREATE THE DEBT AFFORDABILITY ADVISORY COMMITTEE, AND TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND THE STATE BOARD OF COMMUNITY COLLEGES TO CONTRACT WITH A PRIVATE CONSULTING FIRM TO STUDY UNIVERSITY AND COMMUNITY COLLEGE PROGRAMMING AND CAPITAL NEEDS, Senate Finance Committee Substitute Adopted 7/7/04, submit the following report:

The House and Senate agree to the following amendment to the Senate Finance Committee Substitute Adopted 7/7/04, and the House concurs in the Senate Finance Committee Substitute Adopted 7/7/04 as amended:

Delete the entire Senate Finance Committee Substitute Adopted 7/7/04 and substitute the attached proposed Conference Committee Substitute H1264-PCCS 60537-LCx-9.

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

Date Conferees approved report: July 15, 2004.

*Conferees for the Senate*

S/John H. Kerr, III, Chair  
Clark Jenkins  
S/Daniel G. Clodfelter  
Joe Sam Queen  
Martin L. Nesbitt, Jr.  
S/Linda Garrou  
S/Kay R. Hagan  
S/Walter H. Dalton  
David Weinstein  
S/Anthony E. Rand  
Charlie S. Dannelly

*Conferees for the House of Representatives*

S/James W. Crawford, Jr., Chair  
S/Wilma M. Sherrill, Chair  
S/Beverly M. Earle  
S/Rex L. Baker  
S/William C. Owens, Jr.  
S/W. Robert Grady  
S/Debbie A. Clary  
S/Thomas E. Wright  
S/William L. Wainwright  
S/Daniel F. McComas  
Gordon P. Allen  
S/Julia C. Howard  
Paul Luebke  
David M. Miner  
S/Joe Hackney  
S/Joe L. Kiser

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The text of the attached Proposed Conference Committee Substitute, PCCS H1264-PCCS60537, which changes the title, is as follows:

A BILL TO BE ENTITLED

AN ACT (1) TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE VITAL STATE FACILITIES FOR HEALTH CARE AND HIGHER EDUCATION NEEDS AND FOR JUVENILE DETENTION; (2) TO REQUIRE THE TOBACCO TRUST FUND AND THE HEALTH AND WELLNESS TRUST FUND TO PROVIDE THE DEBT SERVICE FOR THIS INDEBTEDNESS; (3) TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, THE PRESERVATION OF NATURAL HERITAGE, AND CLEAN WATER CONSERVATION AND TO USE FUNDS CURRENTLY DEDICATED TO THESE PURPOSES TO REPAY THE INDEBTEDNESS; (4) TO REQUIRE THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY TO ALLOCATE FUNDS GEOGRAPHICALLY ACROSS THE STATE; (5) TO MAKE CLARIFYING CHANGES; (6) TO CREATE THE DEBT AFFORDABILITY ADVISORY COMMITTEE; (7) TO DIRECT THE UNIVERSITY OF NORTH CAROLINA AND THE STATE BOARD OF COMMUNITY COLLEGES TO CONDUCT A STUDY OF UNIVERSITY AND COMMUNITY COLLEGE PROGRAMMING AND CAPITAL NEEDS; AND (8) TO DIRECT THE STATE TREASURER TO STUDY THE POTENTIAL COSTS AND BENEFITS OF INNOVATIVE STATE FINANCING.

The General Assembly of North Carolina enacts:

**PART 1. HEALTH, EDUCATION, AND YOUTH FACILITIES**

**SECTION 1.** This part may be cited as the State Capital Facilities Act of 2004.

**SECTION 1.1.** In accordance with G.S. 142-83, this section authorizes the issuance or incurrence of special indebtedness in the following maximum aggregate principal amounts to finance the costs of the following projects. The table below provides the maximum principal amounts. The first column is the aggregate maximum principal amount. The second column is the maximum portion of this amount that can be issued or incurred before July 1, 2005. The State, with the prior approval of the State Treasurer and the Council of State, as provided in Article 9 of Chapter 142 of the General Statutes, is authorized to issue or incur special indebtedness in order to provide funds to the State to be used, together with other available funds, to pay the cost of these projects.

<b>Aggregate Maximum</b>	<b>Maximum before 7/1/05</b>	<b>Project</b>
\$180,000,000	\$110,000,000	Acquiring, constructing, and equipping a new cancer rehabilitation and treatment center, a nearby physicians' office building, and a walkway between

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		the two, all to be located at the University of North Carolina Hospitals at Chapel Hill.
60,000,000	30,000,000	Acquiring, constructing, and equipping the North Carolina Cardiovascular Diseases Institute at East Carolina University.
35,000,000	25,000,000	Acquiring, constructing, and equipping a Bioinformatics Center at the University of North Carolina at Charlotte.
28,000,000	25,000,000	Acquiring, constructing, and equipping a stand-alone facility to house the new Pharmacy School program to be located at Elizabeth City State University, and interim temporary facilities to house the program during construction of the facility.
35,000,000	25,000,000	Acquiring, constructing, and equipping a Center for Health Promotion and Partnerships at the University of North Carolina at Asheville.
10,000,000	10,000,000	Land acquisition, site preparation, and engineering, architectural, and other consulting services for a Center of Excellence of Teaching and Nursing at Fayetteville State University.
10,000,000	10,000,000	Land acquisition, site preparation, and engineering, architectural, and other consulting services for facilities for development of the joint Millennial Campus of North Carolina Agricultural and Technical State University and the University of North Carolina at Greensboro.
10,000,000	10,000,000	Land acquisition, site preparation, and engineering, architectural, and other consulting services for an Optometry School facility at the University of North Carolina at Pembroke.
10,000,000	10,000,000	To Western Carolina University for land acquisition, site preparation, and engineering, architectural, and other consulting services for Western Carolina University and the Mountain

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Area Health Education Consortium for the North Carolina Center for Health and Aging to be operated as a consortium among Western Carolina University, the University of North Carolina at Asheville, and the Mountain Area Health Education Consortium.

10,000,000

10,000,000

Property acquisition in Piedmont-Triad Research Park for Winston-Salem State University programming related to biotechnology education and research; and land acquisition, site preparation, and engineering, architectural, and other consulting services for a Center for Design Innovation to be operated jointly by Winston-Salem State University and the North Carolina School of the Arts.

**TOTAL:**

\$388,000,000

\$265,000,000

**SECTION 1.2.** In accordance with G.S. 142-83, this section authorizes the issuance or incurrence of special indebtedness in the maximum aggregate principal amount of thirty-five million dollars (\$35,000,000) to finance the costs of constructing up to five youth development centers totaling up to 224 beds to be operated by the Department of Juvenile Justice and Delinquency Prevention and to be located as determined by that Department. The State, with the prior approval of the State Treasurer and the Council of State, as provided in Article 9 of Chapter 142 of the General Statutes, is authorized to issue or incur special indebtedness in order to provide funds to the State to be used, together with other available funds, to pay the cost of constructing the projects described by this section. Of the special indebtedness authorized by this section, no more than thirteen million dollars (\$13,000,000) may be issued or incurred before July 1, 2005.

**SECTION 1.3.** G.S. 147-86.30 reads as rewritten:

**"§ 147-86.30. Health and Wellness Trust Fund established.**

(a) Fund Established. – There is established the Health and Wellness Trust Fund in the Office of the State Treasurer ~~to that shall~~ be used to develop a comprehensive plan to finance programs and initiatives to improve the health and wellness of the people of North Carolina. As used in this Article, the term "Fund" means the Health and Wellness Trust Fund. It is the intent of the General Assembly that the funds provided pursuant to this Article to address the health needs of North Carolinians be used to supplement, not supplant, existing funding of health and wellness programs.

(b) Fund Earnings, Assets, and Balances. – The State Treasurer shall hold the Fund separate and apart from all other moneys, funds, and accounts. The State Treasurer shall be the custodian of the Fund and shall invest its assets in accordance

with G.S. 147-69.2 and G.S. 147-69.3. Investment earnings credited to the assets of the Fund shall become part of the Fund. Any balance remaining in the Fund at the end of any fiscal year shall be carried forward in the Fund for the next succeeding fiscal year. Payments from the Fund shall be made on the warrant of the chair of the Commission, pursuant to directives of the Commission. The Commission may expend moneys in the Fund only as provided in subsections (c) and (d) of this section.

(c) ~~Creation of Fund Reserve. — The Commission shall reserve, and shall not expend, fifty percent (50%) of each annual payment allocated to the Health and Wellness Trust Fund pursuant to G.S. 143-16.4 during years 2001 through 2025 to create and build the Fund Reserve. During years 2001 through 2025, the Commission may expend any investment earnings on the reserved funds. Beginning in year 2026, and thereafter, the Commission shall not expend the reserved funds but may continue to expend any investment earnings on the reserved funds. Priority Use of Funds. — As soon as practicable after the beginning of each fiscal year, the State Treasurer must certify in writing to the chair of the Commission the estimated amount of debt service anticipated to be paid during the fiscal year for special indebtedness authorized by the State Capital Facilities Act of 2004, Part 1 of House Bill 1264, 2003 General Assembly. The chair of the Commission must issue a warrant from the Fund to the General Fund for the lesser of (i) one-half of the amount certified by the Treasurer and (ii) the applicable percentage of the Fund's receipts for the current fiscal year. For fiscal years beginning before July 1, 2007, the applicable percentage is thirty percent (30%). For fiscal years beginning on or after July 1, 2007, the applicable percentage is sixty-five percent (65%).~~

(d) ~~Use of Nonreserved Remaining Funds. — The Commission may expend or commit moneys in the Fund in a fiscal year only after the payment required by subsection (c) of this section has been made. all of the annual payments for years 1998, 1999, and 2000 and may expend the remaining fifty percent (50%) portion of each annual payment thereafter through the year 2025 that is not reserved pursuant to subsection (c) of this section. Any unexpended or unencumbered portion of the nonreserved portion of each annual payment for years 2001 through 2025 that has not been expended or encumbered by the third June 30th following the date of the receipt of the payment shall be reserved pursuant to subsection (c) of this section. The Commission may expend any investment earnings on the nonreserved funds in the year in which the investment earnings are received by the Fund.~~

(e) Fund Purposes. — Moneys from the Fund may be used for any of the following purposes:

- (1) To address the health needs of vulnerable and underserved populations in North Carolina.
- (2) To fund programs and initiatives that include research, education, prevention, and treatment of health problems in North Carolina and to increase the capacity of communities to respond to the public's health needs.
- (3) To develop a comprehensive, community-based plan with goals and objectives to improve the health and wellness of the people of North Carolina with a priority on preventing, reducing, and remedying the health effects of tobacco use

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and with an emphasis on reducing youth tobacco use. The plan shall include measurable health and wellness objectives and a proposed timetable for achieving these objectives. In developing the plan, the Commission shall consider all facets of health, including prevention, education, treatment, research, and related areas.

(f) Limit on Operating and Administrative Expenses. – No more than two and one-half percent (2 1/2%) of the annual receipts of the Fund for the fiscal year beginning July 1 or a total ~~sum~~ of one million dollars (\$1,000,000), whichever is less, may be used each fiscal year for administrative and operating expenses of the Commission and its staff. All administrative expenses of the Commission shall be paid from the Fund."

**SECTION 1.4.** G.S. 143-719 reads as rewritten:

"§ 143-719. **Tobacco Trust Fund; creation; ~~investment; investment; priority use.~~**

(a) Fund Established. – The Tobacco Trust Fund is established in the Office of the State Treasurer. The Fund shall be used ~~to provide financial assistance in accordance with~~ for the purposes provided in this Article.

(b) Fund Earnings, Assets, and Balances. – The State Treasurer shall hold the Fund separate and apart from all other moneys, funds, and accounts. The State Treasurer ~~shall be~~ is the custodian of the Fund and shall invest the assets in accordance with G.S. 147-69.2 and G.S. 147-69.3. Investment earnings credited to the Fund ~~shall become~~ part of the Fund. Any balance remaining in the Fund at the end of any fiscal year ~~shall be~~ is carried forward in the Fund for the next succeeding fiscal year. Payments from the Fund shall be made on the warrant of the chair of the Commission, pursuant to the directives of the Commission.

(c) Priority Use of Funds. – As soon as practicable after the beginning of each fiscal year, the State Treasurer must certify in writing to the chair of the Commission the estimated amount of debt service anticipated to be paid during the fiscal year for special indebtedness authorized by the State Capital Facilities Act of 2004, Part 1 of House Bill 1264, 2003 General Assembly. The chair of the Commission must issue a warrant from the Fund to the General Fund for the lesser of (i) one-half of the amount certified by the Treasurer and (ii) the applicable percentage of the Fund's receipts for the current fiscal year. For fiscal years beginning before July 1, 2007, the applicable percentage is thirty percent (30%). For fiscal years beginning on or after July 1, 2007, the applicable percentage is sixty-five percent (65%)."

**SECTION 1.5.** Sections 1.3 and 1.4 of this part are effective on and after July 1, 2004. The remainder of this part is effective when it becomes law.

## **PART 2. PARKS RENOVATION AND ACQUISITION**

**SECTION 2.1.** Authorization. – In accordance with G.S. 142-83, this part authorizes the issuance or incurrence of special indebtedness in the maximum principal amount provided in this part to be used to finance the cost of parks projects. As used in this part, the term "parks projects" means capital projects for the State Parks System, repairs and renovations of park facilities, and land acquisition for the State Parks System, pursuant to G.S. 113-44.15(b)(1). Special indebtedness authorized by this section shall be issued or incurred only in accordance with Article 9 of Chapter 142 of the General Statutes.

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**SECTION 2.2.** Identification of Parks Projects. – The specific parks projects for which the special indebtedness may be used are to be identified by the North Carolina Parks and Recreation Authority as provided in G.S. 113-44.15, but are limited to the following projects:

- (1) Acquisition by conservation easement or fee simple up to 17,000 acres near North Carolina military bases in order to prevent encroachment by incompatible development.
- (2) Acquisition of up to 6,000 acres to expand an existing State park, provide gamelands to help protect North Carolina rivers, and provide two new State parks along North Carolina rivers; and capital improvements to an existing State park as part of its expansion.

**SECTION 2.3.** Maximum Amount. – The maximum principal amount of special indebtedness that may be issued or incurred pursuant to this part is the lesser of (i) the total amount provided in the first column below minus the amount of special indebtedness issued or incurred under parts 3 and 4 of this act or (ii) the maximum amount for which the aggregate annual principal and interest payments to be made in any year on the special indebtedness will not exceed the annual amount identified by the Authority as provided in G.S. 113-44.15(d). If the annual amount is increased, the maximum principal amount increases accordingly, but not above the total amount provided in the first column below minus the amount of special indebtedness issued or incurred under parts 3 and 4 of this act. The amount of special indebtedness to be issued or incurred at any time is determined in accordance with Article 9 of Chapter 142 of the General Statutes.

Of the special indebtedness authorized by this part, no more than the applicable maximum principal amount listed in the first column below may be issued for each purpose. Of the special indebtedness authorized by this part, no more than the applicable maximum principal amount listed in the second column below may be issued for each purpose before July 1, 2005. The total maximum principal amount of special indebtedness that may be issued under this part before July 1, 2005, is the total amount indicated in the second column below minus the amount of special indebtedness issued or incurred under parts 3 and 4 of this act.

<b>Maximum Amount</b>	<b>Maximum before 7/1/05</b>	<b>Purpose</b>
\$20,000,000	\$12,000,000	Land near military bases.
25,000,000	20,000,000	Parks and gamelands.
<b>TOTAL:</b>		
\$45,000,000	\$32,000,000	

**SECTION 2.4.** G.S. 113-44.15 reads as rewritten:

**"§ 113-44.15. Parks and Recreation Trust Fund.**

(a) Fund Created. – There is established a Parks and Recreation Trust Fund in the State Treasurer's Office. The Trust Fund shall be a nonreverting special revenue fund consisting of gifts and grants to the Trust Fund, monies credited to the Trust Fund pursuant to G.S. 105-228.30(b), and other monies appropriated to the Trust Fund by the General Assembly.

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(b) Use. – Funds in the Trust Fund are annually appropriated to the North Carolina Parks and Recreation Authority and, unless otherwise specified by the General Assembly or the terms or conditions of a gift or grant, shall be allocated and used as follows:

- (1) Sixty-five percent (65%) for the State Parks System for capital projects, repairs and renovations of park facilities, and land ~~acquisition~~acquisition, and to retire debt incurred for these purposes under Article 9 of Chapter 142 of the General Statutes.
- (2) Thirty percent (30%) to provide matching funds to local governmental units or public authorities as defined in G.S. 159-7 on a dollar-for-dollar basis for local park and recreation purposes. The appraised value of land that is donated to a local government unit or public authority may be applied to the matching requirement of this subdivision. These funds shall be allocated by the North Carolina Parks and Recreation Authority based on criteria patterned after the Open Project Selection Process established for the Land and Water Conservation Fund administered by the National Park Service of the United States Department of the Interior.
- (3) Five percent (5%) for the Coastal and Estuarine Water Beach Access Program.

(b1) Geographic Distribution. – In allocating funds in the Trust Fund under this ~~subsection, section,~~ the North Carolina Parks and Recreation Authority shall ~~consider~~make geographic distribution across the State to the extent practicable.

(b2) Administrative Expenses. – Of the funds appropriated to the North Carolina Parks and Recreation Authority from the Trust Fund each year, no more than three percent (3%) may be used by the Department for operating expenses associated with managing capital improvements projects, acquiring land, and administration of local grants programs.

(c) Reports. – The North Carolina Parks and Recreation Authority shall report no later than October 1 of each year to the Joint Legislative Commission on Governmental Operations, the House and Senate Appropriations Subcommittees on Natural and Economic Resources, the Fiscal Research Division, and the Environmental Review Commission on allocations from the Trust Fund from the prior fiscal year. The Authority also shall provide a progress report no later than March 15 of each year to the same recipients on the activities of and the expenditures from the Trust Fund for the current fiscal year.

(d) Debt. – The Authority may allocate up to fifty percent (50%) of the portion of the annual appropriation identified in subdivision (b)(1) of this section to reimburse the General Fund for debt service on special indebtedness to be issued or incurred under Article 9 of Chapter 142 of the General Statutes for the purposes provided in subdivision (b)(1) of this section. In order to allocate funds for debt service reimbursement, the Authority must identify to the State Treasurer the specific parks projects for which it would like special indebtedness to be issued or incurred and the annual amount it intends to make available, and request the State



Treasurer to issue or incur the indebtedness. After special indebtedness has been issued or incurred for a parks project requested by the Authority, the Authority must credit to the General Fund each year the actual aggregate principal and interest payments to be made in that year on the special indebtedness, as identified by the State Treasurer."

**PART 3. PARKS, RECREATION, AND PRESERVATION OF NATURAL HERITAGE**

**SECTION 3.1.** Authorization. – In accordance with G.S. 142-83, this part authorizes the issuance or incurrence of special indebtedness in the maximum principal amount provided in this part to be used to finance the cost of natural heritage projects. As used in this part, the term "natural heritage projects" means acquiring land for parks, recreation, and the preservation of natural heritage, pursuant to G.S. 113-77.9(b)(1) and (2). Special indebtedness authorized by this section shall be issued or incurred only in accordance with Article 9 of Chapter 142 of the General Statutes.

**SECTION 3.2.** Identification of Natural Heritage Projects. – The specific natural heritage projects for which the special indebtedness may be used are to be identified by the Trustees of the Natural Heritage Trust Fund as provided in G.S. 113-77.9, but are limited to the following projects:

- (1) Acquisition by conservation easement or fee simple up to 17,000 acres near North Carolina military bases in order to prevent encroachment by incompatible development.
- (2) Acquisition of up to 6,000 acres to expand an existing State park, provide gamelands to help protect North Carolina rivers, and provide two new State parks along North Carolina rivers; and capital improvements to an existing State park as part of its expansion.

**SECTION 3.3.** Maximum Amount. – The maximum principal amount of special indebtedness that may be issued or incurred pursuant to this part is the lesser of (i) the total amount provided in the first column below minus the amount of special indebtedness issued or incurred under parts 2 and 4 of this act or (ii) the maximum amount for which the aggregate annual principal and interest payments to be made in any year on the special indebtedness will not exceed the annual amount identified by the Authority as provided in G.S. 113-44.15(d). If the annual amount is increased, the maximum principal amount increases accordingly, but not above the total amount provided in the first column below minus the amount of special indebtedness issued or incurred under parts 2 and 4 of this act. The amount of special indebtedness to be issued or incurred at any time is determined in accordance with Article 9 of Chapter 142 of the General Statutes.

Of the special indebtedness authorized by this part, no more than the applicable maximum principal amount listed in the first column below may be issued for each purpose. Of the special indebtedness authorized by this part, no more than the applicable maximum principal amount listed in the second column below may be issued for each purpose before July 1, 2005. The total maximum principal amount of special indebtedness that may be issued under this part before July 1, 2005, is the

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total amount indicated in the second column below minus the amount of special indebtedness issued or incurred under parts 2 and 4 of this act.

<b>Maximum Amount</b>	<b>Maximum before 7/1/05</b>	<b>Purpose</b>
\$20,000,000	\$12,000,000	Land near military bases.
25,000,000	20,000,000	Parks and gamelands.
<b>TOTAL:</b>		
\$45,000,000	\$32,000,000	

**SECTION 3.4.** G.S. 113-77.9 reads as rewritten:

**"§ 113-77.9. Acquisition of lands with funds from the Natural Heritage Trust Fund.**

(a) Proposals. – From time to time, but at least once each year, the Secretary, the Chairman of the North Carolina Wildlife Resources Commission, the Commissioner of Agriculture, and the Secretary of Cultural Resources may propose to the Trustees lands to be acquired with funds from the Fund. For each tract or interest proposed, the Secretary, the Chairman of the North Carolina Wildlife Resources Commission, the Commissioner of Agriculture, and the Secretary of Cultural Resources shall provide the Trustees with the following information:

- (1) The value of the land for recreation, forestry, fish and wildlife habitat, and wilderness purposes, and its consistency with the plan developed pursuant to the State Parks Act, the State's comprehensive plan for outdoor recreation, parks, natural areas development, and wildlife management goals and objectives.
- (2) Any rare or endangered species on or near the land.
- (3) Whether the land contains a relatively undisturbed and outstanding example of a native North Carolina ecological community that is now uncommon.
- (4) Whether the land contains a major river or tributary, watershed, wetland, significant littoral, estuarine, or aquatic site, or important geologic feature.
- (5) The extent to which the land represents a type of landscape, natural feature, or natural area that is not currently in the State's inventory of parks and natural areas.
- (6) Other sources of funds that may be available to assist in acquiring the land.
- (7) The State department or division that will be responsible for managing the land.
- (8) What assurances exist that the land will not be used for purposes other than those for which it is being acquired.
- (9) Whether the site or structure is of such historical significance as to be essential to the development of a balanced State program of historic properties.

(b) Land Acquisition and Debt Service. – The Trustees may authorize expenditures from the Fund to acquire for the following purposes:

- (1) To acquire land ~~Land~~ that represents the ecological diversity of North Carolina, including natural features such as riverine,

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montane, coastal, and geologic systems and other natural areas to ensure their preservation and conservation for recreational, scientific, educational, cultural, and aesthetic ~~purposes.~~purposes, and to retire debt incurred for this purpose under Article 9 of Chapter 142 of the General Statutes.

- (2) To acquire land~~Land~~ as additions to the system of parks, State trails, aesthetic forests, fish and wildlife management areas, wild and scenic rivers, and natural areas for the beneficial use and enjoyment of the ~~public.~~public, and to retire debt incurred for this purpose under Article 9 of Chapter 142 of the General Statutes.
- (3) Subject to the limitations of subsection (b2) of this section, to acquire land that contributes to the development of a balanced State program of historic properties.

(b1) Priorities. – In authorizing expenditures from the Fund to acquire land pursuant to this Article, the first priority shall be the protection of land with outstanding natural or cultural heritage values. Land with outstanding natural heritage values is land that is identified by the North Carolina Natural Heritage Program as having State or national significance. Land with outstanding cultural heritage values is land that is identified, inventoried, or evaluated by the Department of Cultural Resources. The Trustees shall be guided by any priorities established by the Secretary, the Chairman of the Wildlife Resources Commission, the Commissioner of Agriculture, and the Secretary of Cultural Resources in their proposals made pursuant to subsection (a) of this section.

(b2) Historic Properties. – The Trustees may authorize expenditure of up to twenty-five percent (25%) of the funds credited to the Fund pursuant to G.S. 105-228.30 during the preceding fiscal year to acquire land under subdivision (3) of subsection (b) of this section. No other funds in the Fund may be used for expenditures to acquire land under subdivision (3) of subsection (b) of this section.

(b3) Debt. – Of the funds credited annually to the Fund pursuant to G.S. 105-228.30, the Trustees may authorize expenditure of up to fifty percent (50%) to reimburse the General Fund for debt service on special indebtedness to be issued or incurred under Article 9 of Chapter 142 of the General Statutes for the purposes provided in subdivisions (b)(1) and (2) of this section. In order to authorize expenditure of funds for debt service reimbursement, the Trustees must identify to the State Treasurer and the Department of Administration the specific natural heritage projects for which they would like special indebtedness to be issued or incurred and the annual amount they intend to make available, and request the State Treasurer to issue or incur the indebtedness. After special indebtedness has been issued or incurred for a natural heritage project requested by the Trustees, the Trustees must direct the State Treasurer to credit to the General Fund each year the actual aggregate principal and interest payments to be made in that year on the special indebtedness, as identified by the State Treasurer.

(c) Other Purposes. – The Trustees may authorize expenditures from the Fund to pay for the inventory of natural areas conducted under the Natural Heritage

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Program established pursuant to the Nature Preserves Act, Article 9A of Chapter 113A of the General Statutes. The Trustees may also authorize expenditures from the Fund to pay for conservation and protection planning and for informational programs for owners of natural areas, as defined in G.S. 113A-164.3.

(d) Acquisition. – The Department of Administration may, pursuant to G.S. 143-341, acquire by purchase, gift, or devise all lands selected by the Trustees for acquisition pursuant to this Article. Title to any land acquired pursuant to this Article shall be vested in the State. A State agency with management responsibility for land acquired pursuant to this Article may enter into a management agreement or lease with a county, city, town, or private nonprofit organization qualified under G.S. 105-151.12 and G.S. 105-130.34 and certified under section 501(c)(3) of the Internal Revenue Code to aid in managing the land. A management agreement or lease shall be executed by the Department of Administration pursuant to G.S. 143-341.

(d1) Local Reimbursement. – In any county in which real property was purchased pursuant to subsection (d) of this section as additions to the fish and wildlife management areas and where less than twenty-five percent (25%) of the land area is privately owned at the time of purchase, that county and any other local taxing unit shall be annually reimbursed, for a period of 20 years, from funds available to the North Carolina Wildlife Resources Commission in an amount equal to the amount of ad valorem taxes that would have been paid to the taxing unit if the property had remained subject to taxation.

(e) Reports. – The Secretary shall maintain and revise twice each year a list of acquisitions made pursuant to this Article. The list shall include the acreage of each tract, the county in which the tract is located, the amount paid from the Fund to acquire the tract, and the State department or division responsible for managing the tract. The Secretary shall furnish a copy of the list to each Trustee, the Joint Legislative Commission on Governmental Operations, the House and Senate Appropriations Subcommittees on Natural and Economic Resources, the Fiscal Research Division, and the Environmental Review Commission within 30 days after each revision.

(f) Hunting and Fishing. – No provision of this Article shall be construed to eliminate hunting and fishing, as regulated by the laws of the State of North Carolina, upon properties purchased pursuant to this Article."

**SECTION 3.5.** G.S. 113-77.7 is amended by adding a new subsection to read:

"(d) Monies in the Fund are appropriated annually and may be used for the purposes provided in G.S. 113-77.9."

#### **PART 4. CLEAN WATER CONSERVATION**

**SECTION 4.1.** Authorization. – In accordance with G.S. 142-83, this part authorizes the issuance or incurrence of special indebtedness in the maximum principal amount provided in this part to be used to finance the cost of clean water projects. As used in this part, the term "clean water project" means a capital project for one or more purposes provided in G.S. 113A-253(c)(1) through (4). Special indebtedness authorized by this section shall be issued or incurred only in accordance with Article 9 of Chapter 142 of the General Statutes.

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**SECTION 4.2.** Identification of Clean Water Projects. – The specific clean water projects for which the special indebtedness may be used are to be identified by the Clean Water Management Trust Fund Board of Trustees as provided in G.S. 113A-256(j), but are limited to the following projects:

- (1) Acquisition by conservation easement or fee simple up to 17,000 acres near North Carolina military bases in order to prevent encroachment by incompatible development.
- (2) Acquisition of up to 6,000 acres to expand an existing State park, provide gamelands to help protect North Carolina rivers, and provide two new State parks along North Carolina rivers; and capital improvements to an existing State park as part of its expansion.

**SECTION 4.3.** Maximum Amount. – The maximum principal amount of special indebtedness that may be issued or incurred pursuant to this part is the lesser of (i) the total amount provided in the first column below minus the amount of special indebtedness issued or incurred under parts 2 and 3 of this act or (ii) the maximum amount for which the aggregate annual principal and interest payments to be made in any year on the special indebtedness will not exceed the annual amount identified by the Authority as provided in G.S. 113-44.15(d). If the annual amount is increased, the maximum principal amount increases accordingly, but not above the total amount provided in the first column below minus the amount of special indebtedness issued or incurred under parts 2 and 3 of this act. The amount of special indebtedness to be issued or incurred at any time is determined in accordance with Article 9 of Chapter 142 of the General Statutes.

Of the special indebtedness authorized by this part, no more than the applicable maximum principal amount listed in the first column below may be issued for each purpose. Of the special indebtedness authorized by this part, no more than the applicable maximum principal amount listed in the second column below may be issued for each purpose before July 1, 2005. The total maximum principal amount of special indebtedness that may be issued under this part before July 1, 2005, is the total amount indicated in the second column below minus the amount of special indebtedness issued or incurred under parts 2 and 3 of this act.

<b>Maximum Amount</b>	<b>Maximum before 7/1/05</b>	<b>Purpose</b>
\$20,000,000	\$12,000,000	Land near military bases.
25,000,000	20,000,000	Parks and gamelands.
<b>TOTAL:</b>		
\$45,000,000	\$32,000,000	

**SECTION 4.4.** G.S. 113A-253(c) reads as rewritten:

"(c) Fund Purposes. – Moneys from the Fund are appropriated annually and may be used for any of the following purposes:

- (1) To acquire land for riparian buffers for the purposes of providing environmental protection for surface waters and urban drinking water supplies and establishing a network of riparian greenways for environmental, educational, and recreational ~~uses~~ uses and to retire debt incurred for this purpose under Article 9 of Chapter 142 of the General Statutes.

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- (2) To acquire conservation easements or other interests in real property for the purpose of protecting and conserving surface waters and urban drinking water ~~supplies~~ supplies and to retire debt incurred for this purpose under Article 9 of Chapter 142 of the General Statutes.
- (3) To coordinate with other public programs involved with lands adjoining water bodies to gain the most public benefit while protecting and improving water ~~quality~~ quality and to retire debt incurred for this purpose under Article 9 of Chapter 142 of the General Statutes.
- (4) To restore previously degraded lands to reestablish their ability to protect water ~~quality~~ quality and to retire debt incurred for this purpose under Article 9 of Chapter 142 of the General Statutes.
- (5) To repair failing waste treatment systems if: (i) an application has first been submitted to receive a loan or grant from the Clean Water Revolving Loan and Grant Fund and the application was denied during the latest review cycle; (ii) the repair is a reasonable remedy for resolving an existing waste treatment problem; and (iii) the repair is not for the purpose of expanding the system to accommodate future anticipated growth of a community. Priority shall be given to economically distressed units of local government.
- (6) To repair and eliminate failing septic tank systems, to eliminate illegal drainage connections, and to expand waste treatment systems if the system is being expanded as a remedy to eliminate failing septic tank systems or illegal drainage connections. Priority shall be given to economically distressed units of local government.
- (7) To improve stormwater controls and management practices.
- (8) To facilitate planning that targets reductions in surface water pollution.
- (9) To fund operating expenses of the Board of Trustees and its staff."

**SECTION 4.5.** G.S. 113A-256 is amended by adding a new subsection to read:

"(j) Debt. – Of the funds credited annually to the Fund, the Trustees may authorize expenditure of a portion to reimburse the General Fund for debt service on special indebtedness to be issued or incurred under Article 9 of Chapter 142 of the General Statutes for the purposes provided in G.S. 113A-253(c)(1) through (4). In order to authorize expenditure of funds for debt service reimbursement, the Trustees must identify to the State Treasurer and the Department of Administration the specific capital projects for which they would like special indebtedness to be issued or incurred and the annual amount they intend to make available, and request the State Treasurer to issue or incur the indebtedness. After special indebtedness has been issued or incurred for a capital project requested by the Trustees, the Trustees must direct the State Treasurer to credit to the General Fund each year the actual

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aggregate principal and interest payments to be made in that year on the special indebtedness, as identified by the State Treasurer."

**PART 5. DEBT AFFORDABILITY ADVISORY COMMITTEE**

**SECTION 5.1.** Chapter 142 of the General Statutes is amended by adding a new Article to read:

"Article 10.

"Managing Debt Capacity.

**"§ 142-100. Purpose.**

The purpose of this Article is to provide tools for sound debt management by providing an annual debt affordability study to establish guidelines for maintaining prudent debt levels and by establishing a system for prioritizing State capital needs when the needs exceed the State's capacity for new debt.

**"§ 142-101. Debt Affordability Advisory Committee.**

(a) Membership. – The Debt Affordability Advisory Committee is created in the Department of State Treasurer. The Committee shall consist of five ex officio members or their designees and four appointed members, as follows:

- (1) The State Treasurer.
- (2) The Secretary of Revenue.
- (3) The State Budget Officer.
- (4) The State Auditor.
- (5) The State Controller.
- (6) Two members of the public appointed by the President Pro Tempore of the Senate.
- (7) Two members of the public appointed by the Speaker of the House of Representatives.

(b) Officers and Staff. – The State Treasurer shall serve as the chair of the Committee. The Committee shall meet at the call of the chair. The Department of State Treasurer shall provide space for the Committee to meet. The Department shall also provide the Committee with necessary staff and supplies to enable it to carry out its duties in an effective manner.

(c) Compensation. – Members of the Committee shall serve without pay but shall receive per diem and allowances provided by G.S. 138-5 and G.S. 138-6.

(d) Duties. – The Debt Affordability Advisory Committee shall annually advise the Governor and the General Assembly on the estimated debt capacity of the State for the upcoming 10 fiscal years. The Committee shall oversee the undertaking of an annual debt affordability study and the establishment of guidelines for evaluating the State's debt burden. The guidelines should include target and ceiling ratios of net tax-supported debt to personal income and debt service to revenues, target and floor percentages for the 10-year payout ratio, and target and floor percentages for the unreserved General Fund balance. The Committee shall also recommend any other debt management policies it considers desirable and consistent with sound management of the State's debt.

(e) Reports. – The Committee shall report its findings and recommendations to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Fiscal Research Division by February 1 of each year."

**SECTION 5.2.** From funds appropriated to the Department of State Treasurer for the 2004-2005 fiscal year, the State Treasurer shall allocate the amounts necessary to implement the provisions of this part.

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**PART 6. UNIVERSITY SYSTEM AND COMMUNITY COLLEGE SYSTEM  
JOINT STUDY OF HIGHER EDUCATION STRATEGY**

**SECTION 6.1.** To ensure that the State's citizens are academically prepared and equipped for current job opportunities and jobs of the future in North Carolina's growing knowledge economy, the Board of Governors of The University of North Carolina, in collaboration with the State Board of Community Colleges, shall, within 60 days after this act becomes law, contract with a private consulting firm that has experience in higher education to conduct a comprehensive study of the mission and educational program needs for the University System and the Community College System. The Board of Governors may enter into contracts with consultants for the purposes authorized in this section without complying with the provisions of Article 3C of Chapter 143 of the General Statutes. The study shall include all of the following:

- (1) An analysis of demographic, economic, and educational data regarding the needs for higher education programming in the State as a whole, as well as in all geographic and economic regions of the State.
- (2) An updated enrollment projection for each System and each institution that includes adult, noncredit, career, and degree program enrollments.
- (3) An analysis of current program offerings and majors in undergraduate, graduate, nondegree, and workforce training programs, offered by each institution.
- (4) Recommendations as to how the institutions might better serve current and emerging needs related to existing and new programs; opportunities for regional program delivery; enhanced effectiveness and quality that can be achieved via sharing of resources, and program partnerships and collaborations both within and between higher education systems; and opportunities for online program delivery and other distance technology delivery systems.
- (5) An analysis of and suggested updates to existing long-range capital plans of both the University and Community College Systems that will address land acquisition and facility needs to support the program recommendations identified in this study, taking into account opportunities for modernization of and new uses for existing facilities.
- (6) With regard to the University System, there shall be special emphasis on the development of signature programs for Historically Black Colleges and Universities and the University of North Carolina at Pembroke. In conducting the study, the consulting firm shall take into account that the General Assembly finds the Historically Black Colleges and Universities and the University of North Carolina at Pembroke to be institutions with important historical traditions and equally important contemporary purposes and, as such, are valuable and indispensable assets of The

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University of North Carolina and the State. The General Assembly intends to encourage the continued growth and development of those constituent institutions and would resist any suggestion to eliminate the historical function and purpose of those institutions.

- (7) With regard to both the University System and the Community College System, there shall be an acknowledgement of the existence and importance of a strong liberal arts education foundation and, at the same time, an emphasis on existing and new programs specifically aimed at meeting business, industry, workforce, and career needs of North Carolina in the State's changing and growing knowledge-based economy, taking into account, as appropriate, State and regional economic strategies.

**SECTION 6.2.** These studies shall be designed to provide information and recommendations that will assist the General Assembly in setting priorities for funding to address the strategic higher education needs of the State. The Board of Governors, the State Board, and their consultant shall periodically report their findings to a higher education programming subcommittee of the Joint Legislative Education Oversight Committee. The two boards and their consultant shall report the preliminary results of the study to the General Assembly and to the Joint Legislative Education Oversight Committee by April 15, 2005, and shall file a final report and recommendations with the General Assembly and the Joint Legislative Education Oversight Committee no later than December 31, 2005.

**SECTION 6.3.** The Joint Legislative Education Oversight Committee may create a higher education programming subcommittee to monitor the study authorized in this part.

#### **PART 7. INNOVATIVE STATE FINANCING STUDY**

**SECTION 7.1.** Article 9 of Chapter 142 of the General Statutes is amended by adding a new section to read:

**"§ 142-95. RECOP indebtedness.**

(a) Authorization. – In addition to special indebtedness described in the preceding sections of this Article, the State may incur special indebtedness as described in this section to be called real estate certificates of participation (RECOP) indebtedness. RECOP indebtedness shall be incurred for the purposes and otherwise as prescribed in the preceding sections of this Article, with the exceptions and limitations provided in this section. All of the provisions of this Article apply to RECOP indebtedness except to the extent a provision of this section specifically conflicts with a provision in the preceding sections of this Article.

(b) Purposes. – In addition to the purposes provided in G.S. 142-83, RECOP indebtedness may be incurred to refund any indebtedness of the State. RECOP indebtedness may refund non-RECOP indebtedness to the same extent it may refund RECOP indebtedness in accordance with the preceding sections of this Article, except that the General Assembly must first enact legislation authorizing the incurrence of RECOP indebtedness for this purpose up to a specific maximum amount. The proceeds of RECOP indebtedness may not be used for operating expenses, start-up costs, or other items of working capital.

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(c) Security. – In addition to the security authorized in G.S. 142-85(a), RECOP indebtedness may be secured by any property or interest in property of the State selected by the Director of the Budget in consultation with the State Treasurer and approved by the Council of State in accordance with this Article. Before selecting as security any property or interest in property not authorized in G.S. 142-85, the Director of the Budget must consult with the Joint Legislative Commission on Governmental Operations. This subsection supplements G.S. 142-85(a); all of the remaining provisions of G.S. 142-85 apply to RECOP indebtedness.

(d) Principal. – The entire principal amount may mature on a single date. No principal reduction is required prior to maturity.

(e) Interest. – Interest on RECOP indebtedness may be payable partly periodically and partly at maturity or earlier redemption, in the latter case with interest accruing and compounding at a stated interest rate.

(f) Additional State Property Law Exception. – Chapter 146 of the General Statutes does not apply to any sale of the State's interest in property securing RECOP indebtedness if the sales proceeds are used first to pay, or provide for the payment of, all or a portion of that RECOP indebtedness. The property law exceptions in G.S. 142-85(h) also apply to RECOP indebtedness."

**SECTION 7.2.** The General Assembly finds that there are circumstances in which the State may benefit from the use of innovative or flexible public financing tools not previously considered in North Carolina. In light of the value of State property and its great potential for appreciation, financing vehicles may be developed that provide for a lower annual debt service in exchange for a larger payment when the debt matures. In the context of urgent State needs or temporary budget restrictions, the General Assembly finds that it may be in the best interest of the State to be able to take advantage of this type of financing option. In order for the General Assembly to make a policy decision on this issue, more economic and financial information is needed.

**SECTION 7.3.** The State Treasurer shall study the effects of refunding State indebtedness or financing new State facilities with RECOP indebtedness as defined in G.S. 142-95, as enacted by this part. In evaluating the feasibility of incurring RECOP indebtedness and the surrounding policy issues, the State Treasurer shall evaluate all of the following:

- (1) The overall net economic cost to the State in incurring RECOP indebtedness as compared to other forms of indebtedness.
- (2) The relative annual debt service costs and final maturity payments of RECOP indebtedness as compared to other forms of indebtedness.
- (3) The availability of alternative financing opportunities and their relative costs to the State.
- (4) For refundings, whether the refunding would result in an economic gain, overall lower borrowing costs, or other benefits to the State.
- (5) Factors that affect which circumstances might make RECOP financing more or less desirable.
- (6) The impact on the State's credit rating of various debt options in various situations.
- (7) Any other issues the State Treasurer considers relevant.

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The State Treasurer shall report to the Joint Legislative Commission on Governmental Operations by February 1, 2005, the results of this study, including specific findings and recommendations.

**PART 8. GENERAL PROVISIONS**

**SECTION 8.1.** It is the intent of the General Assembly that the proceeds of special indebtedness issued under parts 2 through 4 of this act shall be applied for the purposes provided in those parts, including the acquisition by conservation easement, or otherwise, of land near military bases to prevent encroachment. This acquisition shall be a high priority because of its vital importance to the State of North Carolina.

**SECTION 8.2.** None of the proceeds of special indebtedness authorized by parts 2 through 4 of this act may be used to acquire any property by eminent domain.

**SECTION 8.3.** The provisions of this act are severable. If any provision of this act is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions of the act that can be given effect without the invalid provision.

**SECTION 8.4.** Except as otherwise provided in this act, this act is effective when it becomes law.

The Conference Report is placed on the Calendar for Friday, July 16, for adoption.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 10:00 P.M.

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**ONE HUNDRED FORTY-SEVENTH DAY**

Senate Chamber  
Friday, July 16, 2004

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:

"Lord, give us thankful hearts today as we come to the close of another challenging session. We know that any measure of success which we have achieved has been because of your loving kindness and your tender mercy.

"Continue to bless all who have worked hard and long. May their lives continue to be filled with your wisdom, your grace, and your mercy.

"Your wisdom that keeps us from error, your grace that keeps us from sin and full of your mercy that helps us in our distress. It is in your name we pray, Amen."

The Chair grants leaves of absence for today to Senator Bingham, Senator Foxx, Senator Rucho and Senator Sloan.

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Senator Rand announces that the Journal of Thursday, July 15, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

### ENROLLED BILLS

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

**S.B. 20**, AN ACT TO REQUIRE LICENSURE OF PROFESSIONAL EMPLOYER ORGANIZATIONS.

**S.B. 1054**, AN ACT TO PROVIDE THAT THE UNLAWFUL DISTRIBUTION OF METHAMPHETAMINE THAT PROXIMATELY RESULTS IN THE DEATH OF A PERSON IS SECOND DEGREE MURDER, TO MAKE IT AN AGGRAVATING FACTOR TO MANUFACTURE METHAMPHETAMINE IN A LOCATION THAT ENDANGERS A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR THE UNLAWFUL MANUFACTURE OF METHAMPHETAMINE, AND TO INCREASE THE CRIMINAL PENALTY FOR THE POSSESSION OF PRECURSOR SUBSTANCES FOR METHAMPHETAMINE, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, TO REQUIRE THE COMMISSION FOR HEALTH SERVICES TO ESTABLISH DECONTAMINATION STANDARDS FOR PROPERTY USED FOR THE MANUFACTURE OF METHAMPHETAMINE, TO IMPOSE AN ENHANCED SENTENCE FOR CONVICTION OF MANUFACTURE OF METHAMPHETAMINE IF THE OFFENSE RESULTS IN SERIOUS INJURY TO A LAW ENFORCEMENT OFFICER, PROBATION OR PAROLE OFFICER, EMS EMPLOYEE, OR FIREFIGHTER AND TO PROVIDE IMMUNITY FROM CIVIL AND CRIMINAL LIABILITY FOR CERTAIN GOOD FAITH ACTIONS OF A PERSON PARTICIPATING IN A METHAMPHETAMINE WATCH PROGRAM.

**S.B. 1083**, AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES, AND TO EXEMPT HISTORIC VEHICLES FROM THE REQUIREMENT FOR A SAFETY INSPECTION.

**S.B. 1089**, AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS FROM LOCAL GOVERNMENTS TO ADVANCE THE CONSTRUCTION SCHEDULE OF TIP PROJECTS.

**H.B. 173**, AN ACT REQUIRING THE CONTINUING EDUCATION OF PERSONS PRACTICING UNDER THE COSMETIC ART ACT AND CLARIFYING THE REMITTANCE OF CIVIL PENALTIES UNDER THE ACT.

**H.B. 356**, AN ACT TO AMEND THE AUTHORITY OF THE NORTH CAROLINA STATE BAR CONCERNING PARALEGALS AND FEES RELATING TO CERTIFICATION AND TO EXTEND THE SUNSET OF THE INDUSTRIAL COMMISSION FEE EARMARKED FOR INFORMATION TECHNOLOGY.

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**H.B. 669**, AN ACT TO AMEND THE DEFINITION OF A "PRIMARY CARE HOSPITAL" TO REFLECT FEDERAL REQUIREMENTS, TO IMPROVE THE QUALITY OF PATIENT CARE, TO PROTECT PATIENT-PHYSICIAN RELATIONSHIPS AND TO LIMIT MEDICAL DIRECTORS LIABILITY.

**H.B. 859**, AN ACT TO CHANGE THE LAW CONCERNING THE ELECTION OF MEMBERS OF THE BOARD OF FUNERAL SERVICE AND TO ESTABLISH A NEW PROCESS WHEREBY MEMBERS ARE APPOINTED TO SERVE ON THE BOARD.

**H.B. 1046**, AN ACT TO CREATE THE OFFENSE OF AGGRESSIVE DRIVING.

**H.B. 1107**, AN ACT TO CLARIFY THE CIVIL LIABILITY AND INCREASE THE CRIMINAL PENALTY FOR PERSONS WHO REPRESENT UNAUTHORIZED INSURERS AND TO PROVIDE THAT SUCH ACTIVITY IS GROUNDS FOR REVOCATION OF THE LICENSE OF THE INSURANCE AGENT OR BROKER; AND TO LIMIT DIRECT PROCUREMENT OF INSURANCE ONLY THROUGH ELIGIBLE SURPLUS LINES INSURERS.

**H.B. 1119**, AN ACT TO MAKE CHANGES TO THE ELECTION LAWS.

**H.B. 1519**, AN ACT TO PREVENT CRIMINALS FROM PROFITING FROM THEIR CRIMES AND TO BETTER ENABLE CRIME VICTIMS TO SATISFY RESTITUTION ORDERS AND CIVIL JUDGMENTS ENTERED AGAINST THEIR OFFENDERS FROM THE OFFENDERS' ASSETS, WHICH MAY INCLUDE PROFIT FROM CRIME.

**H.B. 1594**, AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT.

**H.B. 1699**, AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

**H.B. 1723**, AN ACT TO AUTHORIZE EXISTING CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' MAJOR MEDICAL PLAN.

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

**S.B. 1060**, AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

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**S.B. 1181**, AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE ALLEGHANY OCCUPANCY TAX.

**S.B. 1343**, AN ACT TO ANNEX TO THE CITY OF WHITEVILLE THE EXISTING DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY OF US HIGHWAYS 74/76 AND 701 AROUND THE OVERPASS AREA TO HELP ACCOMMODATE THE MAINTENANCE REQUIREMENTS OF THE INTERCHANGE LIGHTING PROJECT.

**H.B. 1422**, AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN MINT HILL AND MUNICIPAL EMPLOYEES AND LAW ENFORCEMENT OFFICERS OF THE CITY OF KINGS MOUNTAIN TO OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

#### 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. 1305**, AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATION BY THE TOWN OF ANGIER. (Became law upon ratification, July 15, 2004 - S.L. 2004-99.)

**S.B. 1315**, AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR CABARRUS COUNTY. (Became law upon ratification, July 15, 2004 - S.L. 2004-100.)

**H.B. 1401**, AN ACT TO PERMIT THE COUNTY OF WILKES TO ACQUIRE PROPERTY AND CONVEY IT TO THE STATE FOR USE AS A VISITORS' CENTER/REST AREA. (Became law upon ratification, July 15, 2004 - S.L. 2004-101.)

**H.B. 1688**, AN ACT TO ALLOW A DEFERRED EFFECTIVE DATE FOR CERTAIN VOLUNTARY ANNEXATIONS OF THE CITY OF CONCORD. (Became law upon ratification, July 15, 2004 - S.L. 2004-102.)

**H.B. 1700**, AN ACT TO EXTEND THE SUNSET ON THE DURHAM CITY ADDITIONAL MUNICIPAL VEHICLE TAX AND CONCERNING THE PURPOSES FOR WHICH THOSE FUNDS MAY BE EXPENDED. (Became law upon ratification, July 15, 2004 - S.L. 2004-103.)

**H.B. 1734**, AN ACT TO ALLOW THE TOWN OF OCEAN ISLE BEACH TO IMPOSE A CANAL DREDGING FEE. (Became law upon ratification, July 15, 2004 - S.L. 2004-104.)

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**REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

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

**H.B. 1427** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING THE CULTIVATION OF SHELLFISH AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO STUDY ISSUES RELATED TO THE CULTIVATION OF SHELLFISH, with a favorable report.

Upon motion of Senator Albertson, the Committee Substitute bill No. 2 is referred to the **Finance Committee**.

**H.B. 1429** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE FISHERY MANAGEMENT PLANS TO ACHIEVE SUSTAINABLE HARVEST RATHER THAN OPTIMAL YIELD AND TO SPECIFY A TIME PERIOD FOR ENDING OVERFISHING AND REBUILDING A FISHERY, with a favorable report.

**SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

House of Representatives  
July 15, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for **H.B. 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, and requests conferees.

Speaker Black has appointed:

Representative Culpepper, Chair  
Representative Owens  
Representative A. Williams  
Representative Preston  
Representative Sauls, and  
Representative Miner

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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  
July 15, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for **H.B. 1547**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE OUTSIDE ITS JURISDICTION AND TO GRANT SEVERABLE DEVELOPMENT RIGHTS WITHIN ITS JURISDICTION, and requests conferees.

Speaker Black has appointed:

Representative Insko, Chair  
Representative Hackney  
Representative Miner, 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 15, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for **H.B. 1348**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, and requests conferees.

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Speaker Black has appointed:

Representative Owens, Chair  
Representative Culpepper  
Representative Howard  
Representative Lewis, and  
Representative Wainwright

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

Respectfully,  
S/Denise Weeks  
Principal Clerk

House of Representatives  
July 15, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the Speaker has dismissed the Conferees on **H.B. 1345**, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES.

Respectfully,  
S/Denise Weeks  
Principal Clerk

House of Representatives  
July 16, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **S.B. 1384** (Conference Report), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING AND AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING.

Pursuant to your message that you have adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,  
S/Denise Weeks  
Principal Clerk

July 16, 2004

Pursuant to the Senate having adopted the Conference Report for S.B. 1384, the President orders the bill enrolled and sent to the Governor by special message.

**H.B. 1359** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES IN HIGHWAY CONSTRUCTION.

Referred to the **Judiciary I Committee**.

**S.B. 6** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW ENFORCEMENT STATUTES PERTAINING TO VIDEO GAMING MACHINES BY PROVIDING THAT MACHINES BE EQUIPPED WITH A HAND COUNT FEATURE; TO PROVIDE THAT VIDEO GAMING MACHINES SHALL HAVE A UNIQUE SERIAL NUMBER THAT SHALL BE PERMANENTLY AFFIXED TO THE MACHINE; TO PROVIDE FOR THE ANNUAL REGISTRATION OF VIDEO GAMING MACHINES WITH THE ALCOHOL LAW ENFORCEMENT DIVISION OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY (DIVISION); TO REQUIRE EVERY OWNER OF A VIDEO GAMING MACHINE TO PAY A THREE HUNDRED DOLLAR FEE PER MACHINE TO THE DIVISION FOR USE IN ENFORCING CERTAIN GAMING STATUTES; TO PERMIT REGISTERED MACHINES TO BE WAREHOUSED; TO PROVIDE THAT ANY PERSON WHO KNOWINGLY OWNS A MACHINE THAT VIOLATES G.S. 14-306.1(a)(1) IS GUILTY OF A CLASS G FELONY; AND TO LEVY AN EXCISE TAX ON ILLEGAL VIDEO GAMING MACHINES OF FIVE THOUSAND DOLLARS PER MACHINE, for concurrence in the House Committee Substitute bill No. 3.

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

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

House of Representatives  
July 12, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House of Representatives has passed **H.B. 429** (Ratified Edition), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PAY MONETARY COMPENSATION FOR REMOVAL OF LAWFULLY ERECTED OFF-PREMISES OUTDOOR ADVERTISING SIGNS AND TO AUTHORIZE LOCAL GOVERNMENTS TO ENTER INTO RELOCATION AND RECONSTRUCTION AGREEMENTS WITH OWNERS OF NONCONFORMING OFF-PREMISES OUTDOOR ADVERTISING SIGNS, notwithstanding the objections of the Governor.

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Pursuant to Article II, Section 22, of the North Carolina Constitution, the bill together with the objections and veto message are hereby delivered to your Honorable Body for reconsideration.

Respectfully,  
S/Denise Weeks  
Principal Clerk

The bill with the veto message is referred to the **Rules and Operations of the Senate Committee.**

#### CALENDAR

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

**S.B. 52** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT PERSONNEL MEDIATIONS BY THE UNIVERSITY OF NORTH CAROLINA SYSTEM ARE NOT CONSIDERED "PRACTICE LAW"; THAT RECORDS CREATED AS PART OF THOSE PERSONNEL MEDIATIONS ARE NOT PUBLIC RECORDS; AND THAT PARTICIPANTS IN THOSE PERSONNEL MEDIATIONS ARE TREATED SIMILARLY TO PARTICIPANTS IN OTHER MEDIATIONS, TO PROVIDE FOR OPEN DISCOVERY IN ALL FELONY CASES, AND TO MAKE CERTAIN OTHER AMENDMENTS TO THE LAWS REGARDING DISCOVERY IN CRIMINAL CASES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, the House Committee Substitute bill is taken up out of its regular order of business. Upon motion of Senator Clodfelter, the Senate fails to concur in the House Committee Substitute bill (0-43).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The Senate recesses at 11:43 A.M. subject to the announcement of conference committees, to reconvene at 12:30 P.M.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**H.B. 142** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DARE COUNTY TO LEVY AN ADDITIONAL ONE-HALF PERCENT SALES AND USE TAX, A PRIVILEGE TAX ON PROVIDERS OF TRANSIENT ACCOMMODATIONS, AN ADDITIONAL ONE PERCENT PREPARED FOOD AND BEVERAGES TAX, AND A ROOM TAX, THE PROCEEDS OF ALL OF WHICH SHALL BE USED FOR BEACH NOURISHMENT.

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. 142 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Hoyle, Chair, Senator Soles and Senator

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Dannelly 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.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**H.B. 1348** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AUTHORIZE HYDE COUNTY TO LEVY A PREPARED FOOD TAX.

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. 1348 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Hoyle, Chair, Senator Soles and Senator Dannelly 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.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**H.B. 1547** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE OUTSIDE ITS JURISDICTION.

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. 1547 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Kinnaird, Chair, Senator Dorsett and Senator Horton as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**S.B. 52** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT PERSONNEL MEDIATIONS BY THE UNIVERSITY OF NORTH CAROLINA SYSTEM ARE NOT CONSIDERED "PRACTICE LAW"; THAT RECORDS CREATED AS PART OF THOSE PERSONNEL MEDIATIONS ARE NOT PUBLIC RECORDS; AND THAT PARTICIPANTS IN THOSE PERSONNEL MEDIATIONS ARE TREATED SIMILARLY TO PARTICIPANTS IN OTHER MEDIATIONS, TO PROVIDE FOR OPEN DISCOVERY IN ALL FELONY CASES, AND TO MAKE CERTAIN OTHER AMENDMENTS TO THE LAWS REGARDING DISCOVERY IN CRIMINAL CASES.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 52 on Friday, July 16, 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 and Senator Thomas as conferees on the part of the Senate to resolve the differences arising

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between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

### RECESS

The Senate meets pursuant to recess and is called to order by Honorable Charlie Dannelly, Deputy President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

### CALENDAR *(continued)*

**H.B. 1464** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE BY FIVE THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN ANY LOCAL SCHOOL ADMINISTRATIVE UNITS IN A COUNTY THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT FIVE NONINSTRUCTIONAL TEACHER WORKDAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES AND ARE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO PROVIDE THAT THE REMAINING NONINSTRUCTIONAL TEACHER WORKDAYS ARE SCHEDULED BY THE LOCAL BOARD OF EDUCATION IN CONSULTATION WITH EACH SCHOOL'S PRINCIPAL FOR USE AS TEACHER WORKDAYS, ADDITIONAL INSTRUCTIONAL DAYS, OR OTHER LAWFUL PURPOSES AND MAY BE DESIGNATED AS MAKEUP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL"; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Education/Higher Education Committee**.

The Senate recesses at 12:35 P.M. to reconvene at 2:00 P.M.

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**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 Carrington and Senator Shubert.*

**PRIVILEGES OF THE FLOOR**

The President extends privileges of the floor to The Honorable Howard Lee, former Senator from Orange County.

**CALENDAR** *(continued)*

**H.B. 1636** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX CREDITS FOR DISPENSING AND PROCESSING RENEWABLE FUELS.

*Without objection, Senator Hoyle requests to be excused from voting on the Senate Committee Substitute bill due to a conflict of interest.*

The Senate Committee Substitute bill passes its second (40-0) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

**CONFERENCE REPORT**

Senator Reeves for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 991** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE STATE GOVERNMENT INFORMATION TECHNOLOGY PLANNING, ADOPT STANDARDS, MAKE PROJECT DEVELOPMENT MORE EFFICIENT, REDUCE COST OVERRUNS, PROVIDE ASSISTANCE TO STATE AGENCIES, AND INCREASE ACCOUNTABILITY, 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 991, A BILL TO BE ENTITLED AN ACT TO IMPROVE STATE GOVERNMENT INFORMATION TECHNOLOGY PLANNING, ADOPT STANDARDS, MAKE PROJECT DEVELOPMENT MORE EFFICIENT, REDUCE COST OVERRUNS, PROVIDE ASSISTANCE TO STATE AGENCIES, AND INCREASE ACCOUNTABILITY, House Committee Substitute Favorable 7/1/04, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 7/1/04, and the Senate concurs in the House Committee Substitute as amended:

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Delete the entire House Committee Substitute Favorable 7/01/04, and substitute the attached Proposed Conference Committee Substitute S991-PCCS75358-RV-2.

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

Date Conferees approved report: July 15, 2004.

*Conferees for the Senate*

*Conferees for the House of Representatives*

S/Eric Miller Reeves, Chair

S/Joe P. Tolson, Chair

S/Tony Rand

S/John I. Sauls

S/John H. Carrington

S/Wilma M. Sherrill

S/Drew P. Saunders

The text of the attached Proposed Conference Committee Substitute, PCCS S991-PCCS75358 is as follows:

A BILL TO BE ENTITLED

AN ACT TO IMPROVE STATE GOVERNMENT INFORMATION TECHNOLOGY PLANNING, ADOPT STANDARDS, MAKE PROJECT DEVELOPMENT MORE EFFICIENT, REDUCE COST OVERRUNS, PROVIDE ASSISTANCE TO STATE AGENCIES, AND INCREASE ACCOUNTABILITY.

The General Assembly of North Carolina enacts:

**PART I. INFORMATION TECHNOLOGY MANAGEMENT.**

**SECTION 1.** Part 1 of Article 3D of Chapter 147 of the General Statutes is redesignated as Part 1A.

**SECTION 2.** Article 3D of Chapter 147 of the General Statutes is amended by adding a new Part 1 to read:

"Article 3D.

"~~Office of State~~ Information Technology Services.

"Part 1. State Information Technology Management.

**"§ 147-33.72A. Purpose.**

The purposes of this Article are to:

- (1) Establish a systematic process for planning and financing the State's information technology resources.
- (2) Develop standards and accountability measures for information technology projects, including criteria for adequate project management.
- (3) Implement procurement procedures that will result in cost savings on information technology purchases.
- (4) Create an Information Technology Advisory Board.
- (5) Create the Information Technology Fund for statewide information technology efforts.

**"§ 147-33.72B. Planning and financing State information technology resources.**

(a) In order to provide a systematic process for meeting the State's technology needs, the State Chief Information Officer shall develop a biennial State

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Information Technology Plan (Plan). The Plan shall be transmitted to the General Assembly by February 1 of each regular session.

(b) The Plan shall include the following elements:

- (1) An inventory of current information technology assets and major projects currently in progress. As used in this subdivision, the term 'major project' includes projects subject to review and approval under G.S. 147-33.72C, or that cost more than five hundred thousand dollars (\$500,000) to implement.
- (2) An evaluation and estimation of the significant unmet needs for information technology resources over a five-year time period. The Plan shall rank the unmet needs in priority order according to their urgency.
- (3) A statement of the financial requirements posed by the significant unmet needs, together with a recommended funding schedule for each major project currently in progress or recommended for initiation during the upcoming fiscal biennium.
- (4) An analysis of opportunities for statewide initiatives that would yield significant efficiencies or improve effectiveness in State programs.

(c) Each executive agency shall biennially develop an agency information technology plan that includes the information required under subsection (b) of this section. The Office of Information Technology Services shall consult with and assist agencies in the preparation of these plans. Each agency shall submit its plan to the State Chief Information Officer by October 1 of each even-numbered year.

**"§ 147-33.72C. Project approval standards.**

(a) Project Review and Approval. – The State Chief Information Officer shall:

- (1) Review all State agency information technology projects that cost or are expected to cost more than five hundred thousand dollars (\$500,000), whether the project is undertaken in a single phase or component or in multiple phases or components. If the State Chief Information Officer determines a project meets the quality assurance requirements established under this Article, the State Chief Information Officer shall approve the project.
- (2) Establish thresholds for determining which information technology projects costing or expected to cost five hundred thousand dollars (\$500,000) or less shall be subject to review and approval under subdivision (a)(1) of this section. When establishing the thresholds, the State Chief Information Officer shall consider factors such as project cost, potential project risk, agency size, and projected budget.

(b) Project Implementation. – No State agency shall proceed with an information technology project that is subject to review and approval under subsection (a) of this section until the State CIO approves the project. If a project is not approved, the State CIO shall specify in writing to the agency the grounds for denying the approval. The State CIO shall provide this information to the agency within five business days of the denial.

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(c) Suspension of Approval. – The State Chief Information Officer may suspend the approval of any information technology project that does not continue to meet the applicable quality assurance standards. This authority extends to any information technology project that costs more than five hundred thousand dollars (\$500,000) to implement regardless of whether the project was originally subject to review and approval under subsection (a) of this section. If the State CIO suspends approval of a project, the State CIO shall specify in writing to the agency the grounds for suspending the approval. The State CIO shall provide this information to the agency within five business days of the suspension.

The Office of Information Technology Services shall report any suspension immediately to the Office of the State Controller and the Office of State Budget and Management. The Office of State Budget and Management shall not allow any additional expenditure of funds for a project that is no longer approved by the State Chief Information Officer.

(d) General Quality Assurance. – Information technology projects that are not subject to review and approval under subsection (a) of this section shall meet all other standards established under this Article.

(e) Performance Contracting. – All contracts between a State agency and a private party for information technology projects shall include provisions for vendor performance review and accountability. The State CIO may require that these contract provisions include monetary penalties for projects that are not completed within the specified time period or that involve costs in excess of those specified in the contract. The State CIO may require contract provisions requiring a vendor to provide a performance bond.

**"§ 147-33.72D. Agency/State CIO Dispute Resolution.**

(a) Agency Request for Review. – In any instance where the State CIO has denied or suspended the approval of an information technology project, or has denied an agency's request for deviation pursuant to G.S. 147-33.84, the agency may request a committee review of the State CIO's decision. The agency shall submit a written request for review to the State Controller within 10 working days following the agency's receipt of the State CIO's written grounds for denial or suspension. The agency's request for review shall specify the grounds for its disagreement with the State CIO's determination. The agency shall include with its request for review a copy of the State CIO's written grounds for denial or suspension.

(b) Review Process. – The review committee shall consist of the State Controller, the State Budget Officer, and the Secretary of Administration. The State Controller shall serve as the chair of the review committee. If the chair or one of the members of the review committee is an official of the agency that has requested the review, that person is deemed to have a conflict of interest and is ineligible to participate in the consideration of the matter, and the two remaining members of the review committee shall select an alternate official to serve as a member of the review committee for that specific matter. Within 10 business days following receipt of an agency's request for review, the committee shall meet to consider the matter. The committee shall review the information provided, and may request additional information from either the agency or the State CIO. The committee may affirm, reverse, or modify the decision of the State CIO, or may remand the matter back to

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the State CIO for additional findings. Within 30 days after initial receipt of the agency's request for review, the committee shall notify the agency and the State CIO of its decision in the matter. The notification shall be in writing, and shall specify the grounds for the committee's decision. The committee may reverse or modify a decision of the State CIO when the committee finds at least one of the following:

- (1) The decision of the State CIO is unsupported by substantial evidence that the agency project fails to meet one or more standards of efficiency and quality of State government information technology as required under this Article.
- (2) The State CIO did not have the requisite statutory authority or jurisdiction to render the decision.
- (3) The decision of the State CIO was rendered in a manner that was arbitrary, capricious, or indicative of an abuse of discretion.

**"§ 147-33.72E. Project management standards.**

(a) Agency Responsibilities. – Each agency shall provide for a project manager who meets the applicable quality assurance standards for each information technology project that is subject to approval under G.S. 143-33.72C(a). The project manager shall be subject to the review and approval of the State Chief Information Officer.

The agency project manager shall provide periodic reports to the project management assistant assigned to the project by the State CIO under subsection (b) of this section. The reports shall include information regarding project costs, issues related to hardware, software, or training, projected and actual completion dates, and any other information related to the implementation of the information technology project.

(b) State Chief Information Officer Responsibilities. – The State Chief Information Officer shall designate a project management assistant from the Office of Information Technology Services for projects that receive approval under G.S. 147-33.72C(a). The State Chief Information Officer may designate a project management assistant for any other information technology project.

The project management assistant shall advise the agency with the initial planning of a project, the content and design of any request for proposals, contract development, procurement, and architectural and other technical reviews. The project management assistant shall also monitor agency progress in the development and implementation of the project and shall provide status reports to the State Chief Information Officer, including recommendations regarding continued approval of the project.

**"§ 147-33.72F. Procurement procedures; cost savings.**

Pursuant to Part 4 of this Article, the Office of State Technology Services shall establish procedures for the procurement of information technology. The procedures may include aggregation of hardware purchases, the use of formal bid procedures, restrictions on supplemental staffing, enterprise software licensing, hosting, and multiyear maintenance agreements. The procedures may require agencies to submit information technology procurement requests to the Office of State Technology Services on October 1, January 1, and June 1 of each fiscal year in order to allow for bulk purchasing.

**"§ 147-33.72G. Information Technology Advisory Board.**

(a) Creation; Membership. – The Information Technology Advisory Board is established and shall be located within the Office of Information Technology Services for organizational, budgetary, and administrative purposes. The

Board shall consist of 12 members, four appointed by the Governor, four appointed by the President Pro Tempore of the Senate, and four appointed by the Speaker of the House of Representatives. All appointments shall be from among persons knowledgeable in the subject area and having experience with State government or information technology deployment within large organizations. Each member shall serve at the pleasure of the officer who appointed the member. The Governor shall designate a chair from among the membership.

(b) Conflicts of Interest. – Members of the Advisory Board shall not serve on the board of directors or other governing body of, be employed by, or receive any remuneration of any kind from any information systems, computer hardware, computer software, or telecommunications vendor of goods and services to the State of North Carolina.

No member of the Advisory Board shall vote on an action affecting solely that person's State agency.

(c) Powers and Duties. – The Board shall:

- (1) Review and comment on the State Information Technology Plan developed by the State Chief Information Officer under G.S. 147-33.72B(b).
- (2) Review and comment on the information technology plans of the executive agencies prepared under G.S. 147-33.72B(c).
- (3) Review and comment on the statewide technology initiatives developed by the State Chief Information Officer.

(d) Meetings. – The Information Technology Advisory Board shall adopt bylaws containing rules governing its meeting procedures. The Board shall meet at least quarterly. The Office of Information Technology Services shall provide administrative staff and facilities for Advisory Board meetings. The expenses of the Board shall be paid from receipts available to the Office of Information Technology Services as requested by the Board. Advisory Board members shall receive per diem, subsistence, and travel allowances as follows:

- (1) Commission members who are officials or employees of the State or of local government agencies, at the rate established in G.S. 138-6; and
- (2) All other commission members, at the rate established in G.S. 138-5.

**"§ 147-33.72H. Information Technology Fund.**

There is established a special revenue fund to be known as the Information Technology Fund, which may receive transfers or other credits as authorized by the General Assembly. Money may be appropriated from the Information Technology Fund to meet statewide requirements, including planning, project management, security, electronic mail, State portal operations, and the administration of systemwide procurement procedures. Expenditures involving funds appropriated to the Office of Information Technology Services from the Information Technology Fund shall be made by the State CIO in consultation with the Information Technology Advisory Board. By October 1 of each year, the State CIO shall submit to the Joint Legislative Oversight Committee on Information Technology a report on all expenditures involving funds

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appropriated to the Office of Information Technology Services from the Information Technology Fund for the preceding fiscal year. Interest earnings on the Information Technology Fund balance shall be credited to the Information Technology Fund."

**SECTION 3.** G.S. 147-33.76 reads as rewritten:

"§ 147-33.76. ~~Head of the Office of Information Technology Services; qualification and appointment~~**Qualification, appointment, and duties of the State Chief Information Officer.**

(a) The Office of Information Technology Services shall be managed and administered by the State Chief Information ~~Officer. Officer~~ ('State CIO'). The State Chief Information Officer shall be qualified by education and experience for the office and shall be appointed by ~~the Governor after consultation with the Senate Committee on Information Technology and the House Committee on Technology meeting jointly (or by similar committees designated by the rules of each house), and~~ serve at the pleasure of the Governor.

(b) ~~The Governor shall submit the name of the person to be appointed for review by the entities specified in subsection (a) of this section.~~

(b1) The State CIO shall be responsible for developing and administering a comprehensive long-range plan to ensure the proper management of the State's information technology resources. The State CIO shall set technical standards for information technology, review and approve major information technology projects, review and approve State agency information technology budget requests, establish information technology security standards, provide for the procurement of information technology resources, and develop a schedule for the replacement or modification of major systems. The State CIO is authorized to adopt rules to implement this Article.

(c) The salary of the State Chief Information Officer shall be set by the General Assembly in the Current Operations Appropriations Act. The State Chief Information Officer shall receive longevity pay on the same basis as is provided to employees of the State who are subject to the State Personnel Act."

**SECTION 4.** G.S. 147-33.78 is repealed.

**SECTION 5.** G.S. 147-33.79 is repealed.

**SECTION 6.** All (i) records, (ii) personnel positions and salaries, (iii) property, and (iv) unexpended balances of appropriations, allocations, reserves, support costs, and other funds of the Information Resources Management Commission are transferred to and vested in the Office of Information Technology Services authorized by Article 3D of Chapter 147 of the General Statutes.

**SECTION 7.(a)** On June 30, 2004, the State Controller shall transfer the sum of seven million five hundred thousand dollars (\$7,500,000) from the Information Technology Services Internal Service Fund to the Information Technology Fund.

**SECTION 7.(b)** For the fiscal year 2004-2005 appropriations are made from the Information Technology Fund as follows:

- (1) The sum of two million seven hundred thousand dollars (\$2,700,000) to the Office of State Controller to implement the recommendations of the statewide Business Infrastructure Study; and

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- (2) The sum of four million eight hundred thousand dollars (\$4,800,000) to the Office of Information Technology Services for the following purposes:
- |                                     |             |
|-------------------------------------|-------------|
| Security Assessment and Remediation | \$3,000,000 |
| Project Management Office Expansion | \$600,000   |
| Legacy Systems Study                | \$1,000,000 |
| Legal Services                      | \$100,000   |
| ITS Management Staff                | \$100,000   |

**SECTION 7A.(a)** The heading for Article 26 of Chapter 120 of the General Statutes reads as rewritten:

"Article 26.

Joint ~~Select~~ Legislative Oversight Committee on Information Technology."

**SECTION 7A.(b)** G.S. 120-230 reads as rewritten:

"§ 120-230. **Creation and purpose of the Joint ~~Select~~ Legislative Oversight Committee on Information Technology.**

There is established the Joint ~~Select~~ Legislative Oversight Committee on Information Technology. The Committee shall review current information technology that impacts public policy, including electronic data processing and telecommunications, software technology, and information processing. The goals and objectives of the Committee shall be to develop electronic commerce in the State and to coordinate the use of information technology by State agencies in a manner that assures that the citizens of the State receive quality services from all State agencies and that the needs of the citizens are met in an efficient and effective manner. The Committee shall examine, on a continuing basis, systemwide issues affecting State government information technology, including, but not limited to, State information technology operations, infrastructure, development, financing, administration, and service delivery. The Committee may examine State agency or enterprise-specific information technology issues. The Committee shall make ongoing recommendations to the General Assembly on ways to improve the effectiveness, efficiency, and quality of State government information technology."

**SECTION 7A.(c)** G.S. 120-231 reads as rewritten:

"§ 120-231. **Committee duties; reports.**

(a) The Joint ~~Select~~ Legislative Oversight Committee on Information Technology may:

- (1) Evaluate the current technological infrastructure of State government and information systems use and needs in State government and determine potential demands for additional information staff, equipment, software, data communications, and consulting services in State government during the next 10 years. The evaluation may include an assessment of ways technological infrastructure and information systems use may be leveraged to improve State efficiency and services to the citizens of the State, including an enterprise-wide infrastructure and data architecture.
- (2) Evaluate information technology governance, policy, and management practices, including policies and practices related to personnel and acquisition issues, on both a statewide and project level.

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- (3) Study, evaluate, and recommend changes to the North Carolina General Statutes relating to electronic commerce.
- (4) Study, evaluate, and recommend action regarding reports received by the Committee.
- (5) Study, evaluate, and recommend any changes proposed for future development of the information highway system of the State.

(b) The Committee may consult with the ~~Information Resource Management Commission~~ State Chief Information Officer on statewide technology strategies and initiatives and review all legislative proposals and other recommendations of the ~~Information Resource Management Commission~~ Office of Information Technology Services.

(c) ~~The Committee shall report by March 1 of each year to the Appropriations Committees of the Senate and the House of Representatives concerning the Committee's activities and findings and any recommendations for statutory changes, submit annual reports to the General Assembly on or before the convening of the regular session of the General Assembly each year. The Committee may submit interim reports at any time it deems appropriate."~~

**SECTION 7A.(d)** G.S. 120-232 reads as rewritten:

**"§ 120-232. Committee membership; terms; organization; vacancies.**

- (a) The Committee shall consist of 16 members as follows:
- (1) ~~Five~~ Eight members of the Senate at the time of their appointment, appointed by the President Pro Tempore of the Senate. At least two appointees shall be members of the Senate Appropriations Committee.
  - (2) ~~Five~~ Eight members of the House of Representatives at the time of their appointment, appointed by the Speaker of the House of Representatives. At least two appointees shall be members of the House of Representatives Appropriations Committee.
  - (3) ~~Three members of the public, appointed by the President Pro Tempore of the Senate.~~
  - (4) ~~Three members of the public, appointed by the Speaker of the House of Representatives.~~

~~The members appointed to the Committee from the public shall be chosen from among individuals who have the ability and commitment to promote and fulfill the purposes of the Committee, including individuals who have expertise in the field of computer technology or commercial transactions.~~

(b) ~~Members of the Committee shall serve terms of two years beginning on August 15 of~~ at the convening of the General Assembly in each odd-numbered year, with no prohibition against being reappointed, except initial appointments shall begin on appointment and end on the day of convening of the 2005 General Assembly. ~~be for terms as follows:~~

- (1) ~~The public members shall serve terms of three years.~~
- (2) ~~The members who are members of the General Assembly shall serve terms of two years.~~

~~Initial terms shall commence on August 15, 1999.~~

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(c) ~~Members who are elected officials~~ may complete a term of service on the Committee even if they do not seek reelection or are not reelected, but resignation or removal from service constitutes resignation or removal from service on the Committee.

(d) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each select a legislative member from their appointees to serve as cochair of the Committee.

(e) The Committee shall meet at least once a quarter and may meet at other times upon the call of the cochairs. A majority of the members of the Committee shall constitute a quorum for the transaction of business. The affirmative vote of a majority of the member present at meetings of the Committee shall be necessary for action to be taken by the Committee.

(f) All members shall serve at the will of their appointing officer. A member continues to serve until the member's successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment."

**PART II. CONFORMING CHANGES IN ARTICLE 3D OF CHAPTER 147.**

**SECTION 8.** The heading of Part 1A of Article 3D of Chapter 147 of the General Statutes, as redesignated under Section 1 of this act, reads as rewritten:

"Part 1A. ~~Transfer and Organization of Office of Information Technology Services.~~"

**SECTION 9.** G.S. 147-33.75 reads as rewritten:

"§ 147-33.75. ~~Transfer to Office located in the Office of the Governor.~~

(a) The Office of Information Technology Services ("Office") ~~of the Department of Commerce and the Information Resource Management Commission are hereby transferred to shall be housed in~~ the Office of the Governor.

(b) The Governor has the authority, powers, and duties over the Office that are assigned to the Governor and the head of department pursuant to Article 1 of Chapter 143B of the General Statutes, G.S. 143A-6(b), and the Constitution and other laws of this State."

**SECTION 10.** G.S. 147-33.82(d)(2) is repealed.

**SECTION 11.** G.S. 147-33.82(e) is repealed.

**SECTION 12.** G.S. 147-33.82(c), G.S. 147-33.82(d) as amended by Section 10 of this act, G.S. 147-33.82(e1), and G.S. 147-33.82(f), are recodified as separate sections as Part 5 of Article 3D of Chapter 147 of the General Statutes, G.S. 147-33.110 through G.S. 147-33.113 respectively.

**SECTION 13.** G.S. 147-33.82(a) reads as rewritten:

"§ 147-33.82. ~~Powers and duties Functions of the State Chief Information Officer and the Office of Information Technology Services.~~

(a) ~~The~~ In addition to any other functions required by this Article, the Office of Information Technology Services shall:

- (1) Procure all information technology for State agencies, as provided in Part 4 of this Article.
- (2) Submit for approval of the ~~Information Resources Management Commission~~ Office of State Budget and Management all rates and fees for common, shared State government-wide technology services provided by the ~~Office.~~ Office on a fee-for-service basis and not covered by another fund.

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- (3) Conduct an annual assessment of State agencies for compliance with statewide policies for information technology and ~~Submit~~ submit for approval review of the Information Resources Management Commission Technology Advisory Board recommended State government wide, enterprise level policies statewide policies for information technology.
- (4) Develop standards, procedures, and processes to implement policies approved by the ~~Information Resources Management Commission.~~ State CIO.
- (5) Assure that ~~Review~~ State agencies implement and manage agency information technology portfolio based management of State information technology resources, in accordance resources for compliance with the direction set by the State Chief Information Officer.~~this Article.~~
- (6) Assure ~~Review~~ that State agencies implement and manage agency implementation of statewide information technology enterprise management efforts of State government, in accordance government for compliance with the direction set by the State Chief Information Officer.~~this Article.~~
- (7) Provide recommendations to the ~~Information Resources Management Commission~~ for its biennial technology strategy and to develop State government wide technology initiatives to be approved by the ~~Information Resources Management Commission.~~
- (8) Develop a project management, quality assurance, and architectural review process that adheres to the ~~Information Resources Management Commission's certification program and portfolio based management initiative for projects that require review and approval under G.S. 147-33.72C(a).~~
- (9) Establish and utilize the ~~Information Technology Management Advisory Council~~ to consist of representatives from other State agencies to advise the Office on information technology business management and technology matters."

**SECTION 14.** Part 5 of Article 3D of Chapter 147 of the General Statutes, as recodified by Section 12 of this act, reads as rewritten:

"Part 5. Security for Information Technology Services.

"§ 147-33.110. Statewide security standards.

The State Chief Information Officer shall establish ~~an enterprise wide a statewide~~ set of standards for information technology security to maximize the functionality, security, and interoperability of the State's distributed information technology assets, including communications and encryption technologies. The State CIO shall review and revise the security standards annually. As part of this function, the State Chief Information Officer shall review periodically existing security standards and practices in place among the various State agencies to determine whether those standards and



practices meet ~~enterprise-wide~~ statewide security and encryption requirements. The State Chief Information Officer may assume the direct responsibility of providing for the information technology security of any State agency that fails to adhere to security standards adopted pursuant to this section under this Article. Any actions taken by the State Chief Information Officer under this ~~subsection~~ section shall be reported to the ~~Information Resources Management Commission~~ Information Technology Advisory Board at its next scheduled meeting.

**"§ 147-33.111. State CIO approval of security standards and security assessments.**

(a) Notwithstanding G.S. 143-48.3 or any other provision of law, and except as otherwise provided by this ~~subsection, section,~~ all information technology security purchased using State funds, or for use by a State agency or in a State facility, shall be subject to approval by the State Chief Information Officer in accordance with security standards adopted under this ~~section.~~ Article.

(~~1~~) (b) If the legislative branch, the judicial branch, The University of North Carolina and its constituent institutions, local school administrative units as defined by G.S. 115C-5, or the North Carolina Community Colleges System develop their own security standards, taking into consideration the mission and functions of that entity, that are comparable to or exceed those set by the State Chief Information Officer under this section, then these entities may elect to be governed by their own respective security standards, and approval of the State Chief Information Officer shall not be required before the purchase of information technology security. The State Chief Information Officer shall consult with the legislative branch, the judicial branch, The University of North Carolina and its constituent institutions, local school administrative units, and the North Carolina Community Colleges System in reviewing the security standards adopted by those entities.

(2) Repealed.

(~~3~~) (c) Before a State agency may enter into any contract with another party for an assessment of network vulnerability, including network penetration or any similar procedure, the State agency shall notify the State Chief Information Officer and obtain approval of the request. The State Chief Information Officer shall refer the request to the State Auditor for a determination of whether the Auditor's office can perform the assessment and testing. If the State Auditor determines that ~~he~~ the Auditor's office can perform the assessment and testing, then the State Chief Information Officer shall authorize the assessment and testing by the Auditor. If the State Auditor determines that ~~his~~ the Auditor's office cannot perform the assessment and testing, then with the approval of the State Chief Information Officer and State Auditor, the State agency may enter into a contract with another party for the assessment and testing. If the State agency enters into a contract with another party for assessment and testing, the State agency shall issue public reports on the general results of the ~~reviews undertaken pursuant to this subdivision, but the reviews.~~ reviews. The contractor ~~must~~ shall provide the State agency with detailed reports of the security issues identified pursuant to this subdivision that shall not be disclosed as provided in G.S. 132-6.1(c). The State agency shall provide the State Chief Information Officer and the State Auditor with copies of the detailed ~~reports.~~ reports that shall not be disclosed as provided in G.S. 132-6.1(c).

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**"§ 147-33.112. Assessment of agency compliance with security standards.**

The State Chief Information Officer shall assess the ability of each agency to comply with the current security enterprise-wide set of standards established pursuant to this section. The assessment shall include, at a minimum, the rate of compliance with the standards in each agency and an assessment of each agency's security organization, network security architecture, and current expenditures for information technology security. The assessment shall also estimate the cost to implement the security measures needed for agencies to fully comply with the standards. Each agency subject to the standards shall submit information required by the State Chief Information Officer for purposes of this assessment. ~~Not later than May 4, 2004, the Information Resources Management Commission and the~~ The State Chief Information Officer shall ~~submit a public report that summarizes the status of the assessment, including the available estimates of additional funding needed to bring agencies into compliance, to the Joint Legislative Commission on Governmental Operations and shall provide updated assessment information by January 15 of each subsequent year.~~ include the information obtained from the assessment in the State Information Technology Plan required under G.S. 147-33.72B.

**"§ 147-33.113. State agency cooperation.**

(a) The head of each State agency shall cooperate with the State Chief Information Officer in the discharge of his or her duties by:

- (1) Providing the full details of the agency's information technology and operational requirements and of all the agency's information technology security incidents within 24 hours of confirmation.
- (2) Providing comprehensive information concerning the information technology security employed to protect the agency's information technology.
- (3) Forecasting the parameters of the agency's projected future information technology security needs and capabilities.
- (4) Designating an agency liaison in the information technology area to coordinate with the State Chief Information Officer. The liaison shall be subject to a criminal background report from the State Repository of Criminal Histories, which shall be provided by the State Bureau of Investigation upon its receiving fingerprints from the liaison. If the liaison has been a resident of this State for less than five years, the background report shall include a review of criminal information from both the State and National Repositories of Criminal Histories. The criminal background report shall be provided to the State Chief Information Officer and the head of the agency. In addition, all personnel in the Office of State Auditor who are responsible for information technology security reviews pursuant to G.S. 147-64.6(c)(18) shall be subject to a criminal background report from the State Repository of Criminal Histories, which shall be provided by the State Bureau of

Investigation upon receiving fingerprints from the personnel designated by the State Auditor. For designated personnel who have been residents of this State for less than five years, the background report shall include a review of criminal information from both the State and National Repositories of Criminal Histories. The criminal background reports shall be provided to the State Auditor.

(b) The information provided by State agencies to the State Chief Information Officer under this ~~subsection~~ section is protected from public disclosure pursuant to G.S. 132-6.1(c)."

**SECTION 15.** G.S. 147-33.83 reads as rewritten:

"§ 147-33.83. **Information resources centers and services.**

(a) With respect to all executive departments and agencies of State government, except the Department of Justice if they do not elect at their option to participate, the Office of Information Technology Services shall have all of the following powers and duties:

- (1) To establish and operate information resource centers and services to serve two or more departments on a cost-sharing basis, if the ~~Information Resources Management Commission~~ State CIO, after consultation with the Office of State Budget and Management, decides it is advisable from the standpoint of efficiency and economy to establish these centers and services.
- (2) With the approval of the ~~Information Resources Management Commission,~~ Office of State Budget and Management, to charge each department for which services are performed its proportionate part of the cost of maintaining and operating the shared centers and services.
- (3) ~~With the approval of the Information Resources Management Commission, to~~ To require any department served to transfer to the Office ownership, custody, or control of information processing equipment, supplies, and positions required by the shared centers and services.
- (4) ~~With the approval of the Information Resources Management Commission, to~~ To adopt reasonable rules for the efficient and economical management and operation of the shared centers, services, and the integrated State telecommunications network.
- (5) ~~With the approval of the Information Resources Management Commission, to~~ To adopt plans, policies, procedures, and rules for the acquisition, management, and use of information technology resources in the departments affected by this section to facilitate more efficient and economic use of information technology in these departments.
- (6) To develop and promote training programs to efficiently implement, use, and manage information technology resources.
- (7) To provide cities, counties, and other local governmental units with access to the Office of Information Technology Services,

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information resource centers and services as authorized in this section for State agencies. Access shall be provided on the same cost basis that applies to State agencies.

(b) No data of a confidential nature, as defined in the General Statutes or federal law, may be entered into or processed through any cost-sharing information resource center or network established under this section until safeguards for the data's security satisfactory to the department head and the State Chief Information Officer have been designed and installed and are fully operational. Nothing in this section may be construed to prescribe what programs to satisfy a department's objectives are to be undertaken, nor to remove from the control and administration of the departments the responsibility for program efforts, regardless whether these efforts are specifically required by statute or are administered under the general program authority and responsibility of the department. This section does not affect the provisions of G.S. 147-64.6, 147-64.7, or 147-33.91.

(c) Notwithstanding any other provision of law, the Office of Information Technology Services shall provide information technology services on a cost-sharing basis to the General Assembly and its agencies as requested by the Legislative Services Commission."

**SECTION 16.** G.S. 147-33.84 reads as rewritten:

"§ 147-33.84. **Deviations authorized for Department of Revenue; Revenue; agency requests for deviations.**

(a) The Department of Revenue is authorized to deviate from any provision in G.S. 147-33.83(a) that requires departments or agencies to consolidate information processing functions on equipment owned, controlled, or under custody of the Office of Information Technology Services. All deviations by the Department of Revenue pursuant to this section shall be reported in writing within 15 days by the Department of Revenue to the ~~Information Resources Management Commission~~ State CIO and shall be consistent with available funding. Any State agency may apply in writing to the State CIO for authority to deviate. If granted, any deviation shall be consistent with available funding and shall be subject to such terms and conditions as may be specified by the State CIO. If the agency's request for deviation is denied by the State CIO, the agency may request a review of the decision pursuant to G.S. 147-33.72D.

(b) The Department of Revenue is authorized to adopt and shall adopt plans, policies, procedures, requirements, and rules for the acquisition, management, and use of information processing equipment, information processing programs, data communications capabilities, and information systems personnel in the Department of Revenue. If the plans, policies, procedures, requirements, rules, or standards adopted by the Department of Revenue deviate from the policies, procedures, or guidelines adopted by the Office of Information Technology ~~Services or the Information Resources Management Commission, Services,~~ those deviations shall be allowed and shall be reported in writing within 15 days by the Department of Revenue to the ~~Information Resources Management Commission, State CIO.~~ The Department of Revenue and the Office of Information Technology Services shall develop data communications capabilities between the two computer centers utilizing the North Carolina Integrated Network, subject to a security review by the Secretary of Revenue.

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(c) The Department of Revenue shall prepare a plan to allow for substantial recovery and operation of major, critical computer applications. The plan shall include the names of the computer programs, databases, and data communications capabilities, identify the maximum amount of outage that can occur prior to the initiation of the plan and resumption of operation. The plan shall be consistent with commonly accepted practices for disaster recovery in the information processing industry. The plan shall be tested as soon as practical, but not later than six months, after the establishment of the Department of Revenue information processing capability.

(d) Notwithstanding the provisions of subsections (a) and (b) of this section, the Department of Revenue shall review and evaluate any deviations and shall, in consultation with the Office of Information Technology Services, adopt a plan to phase out any deviations that are not determined to be necessary in carrying out functions and responsibilities unique to the Department. The plan adopted by the Department shall include a strategy to coordinate its general information processing functions with the Office of Information Technology Services in the manner prescribed by G.S. 147-33.83(a) and provide for its compliance with policies, procedures, and guidelines adopted by the Office of Information Technology Services. The Department of Revenue shall submit its plan to the Office of State Budget and Management by January 15, 2005."

**SECTION 17.** G.S. 147-33.85 is repealed.

**SECTION 18.** G.S. 147-33.86 is repealed.

**SECTION 19.** G.S. 147-33.87 reads as rewritten:

**"§ 147-33.87. Financial reporting and accountability for information technology investments and expenditures.**

The Office of Information Technology Services, the Office of State Budget and Management, and the Office of the State Controller shall jointly develop a system for budgeting and accounting of expenditures for information technology operations, services, projects, infrastructure, and assets. The system shall include hardware, software, personnel, training, contractual services, and other items relevant to information technology, and the sources of funding for each. ~~This system must integrate seamlessly with the enterprise portfolio management system.~~ Annual reports regarding information technology shall be coordinated by the Office with the Office of State Budget and Management and the Office of the State Controller, and submitted to the ~~Governor, General Assembly, and the Information Resources Management Commission~~ Governor and the General Assembly on or before October 1 of each year."

**SECTION 20.** G.S. 147-33.88 reads as rewritten:

**"§ 147-33.88. Information technology reports.**

(a) The Office shall develop an annual budget for review and approval by the ~~Information Resources Management Commission~~ Office of State Budget and Management prior to April 1 of each year. ~~A copy of the approved budget shall be submitted to the Joint Select Committee on Information Technology and the Fiscal Research Division.~~

(b) The Office shall report to the ~~Joint Select~~ Legislative Oversight Committee on Information Technology and the Fiscal Research Division on the Office's Internal Service Fund on a quarterly basis, no later than the first day of the second month following the end of the quarter. The report shall include current cash

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balances, line-item detail on expenditures from the previous quarter, and anticipated expenditures and revenues. The Office shall report to the Joint Legislative Oversight Committee on Information Technology and the Fiscal Research Division on expenditures for the upcoming quarter, projected year-end balance, and the status report on personnel position changes including new positions created and existing positions eliminated. The Office spending reports shall comply with the State Accounting System object codes."

**SECTION 21.** G.S. 147-33.89(b) reads as rewritten:

"(b) Each State agency shall submit its disaster recovery plan on an annual basis to the ~~Information Resource Management Commission and the State Chief Information Officer.~~"

**SECTION 22.** G.S. 147-33.90 reads as rewritten:

**"§ 147-33.90. Analysis of State agency legacy systems.**

(a) The Office of Information Technology ~~Services, in conjunction with the Information Resources Management Commission, Services~~ shall analyze the State's legacy information technology systems and develop a plan to ascertain the needs, costs, and time frame required for State agencies to progress to more modern information technology systems.

(b) In conducting the legacy system assessment phase of the analysis, the Office shall:

- (1) Examine the hierarchical structure and interrelated relationships within and between State agency legacy systems.
- (2) Catalog and analyze the portfolio of legacy applications in use in State agencies and consider the extent to which new applications could be used concurrently with, or should replace, legacy systems.
- (3) Consider issues related to migration from legacy environments to Internet-based and client/server environments, and related to the availability of programmers and other information technology professionals with the skills to migrate legacy applications to other environments.
- (4) Study any other issue relative to the assessment of legacy information technology systems in State agencies.

~~By March 1, 2004, the Office shall complete the assessment phase of the analysis and shall make a report of the assessment to the Joint Legislative Commission on Governmental Operations (Commission). Thereafter, the Office shall make an ongoing annual report on these matters to the Commission by March 1 of each year.~~

(c) Upon completion of the legacy system assessment phase of the analysis, the Office shall ascertain the needs, costs, and time frame required to modernize State agency information technology. The Office shall complete this phase of the assessment by January 31, 2005, and shall report its findings and recommendations to the 2005 General Assembly. The findings and recommendations shall include a cost estimate and time line for modernization of legacy information technology systems in State agencies. The Office shall submit an ongoing, updated report on modernization needs, costs, and time lines to the General Assembly on the opening day of each biennial session."

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**SECTION 23.** G.S. 147-33.91 reads as rewritten:

**"§ 147-33.91. Telecommunications services; duties of State Chief Information Officer with respect to State agencies.**

(a) With respect to State agencies, the State Chief Information Officer shall exercise general coordinating authority for all telecommunications matters relating to the internal management and operations of those agencies. In discharging that responsibility, the State Chief Information ~~Officer may Officer,~~ in cooperation with affected State agency heads, ~~do such of the following things as the State Chief Information Officer deems necessary and advisable: may:~~

- (1) Provide for the establishment, management, and operation, through either State ~~ownership—ownership, contract, or~~ commercial leasing, of the following systems and services as they affect the internal management and operation of State agencies:
  - a. Central telephone systems and telephone ~~networks;~~ networks.
  - ~~b. Teleprocessing systems;~~
  - ~~e. Teletype and facsimile services;~~
  - d. Satellite ~~services;~~services.
  - e. Closed-circuit TV ~~systems;~~ systems.
  - f. Two-way radio ~~systems;~~ systems.
  - g. Microwave ~~systems; and~~ systems.
  - h. Related systems based on telecommunication technologies.
  - i. The 'State Network', managed by the Office, which means any connectivity designed for the purpose of providing Internet Protocol transport of information to any building.
- (2) ~~With the approval of the Information Resources Management Commission, coordinate~~ Coordinate the development of cost-sharing systems for respective user agencies for their proportionate parts of the cost of maintenance and operation of the systems and services listed in subdivision (1) of this ~~section~~ subsection.
- (3) Assist in the development of coordinated telecommunications services or systems within and among all State agencies and recommend, where appropriate, cooperative utilization of telecommunication facilities by aggregating users.
- (4) Perform traffic analysis and engineering for all telecommunications services and systems listed in subdivision (1) of this subsection.
- (5) Pursuant to G.S. 143-49, establish telecommunications specifications and designs so as to promote and support compatibility of the systems within State agencies.
- (6) Pursuant to G.S. 143-49 and G.S. 143-50, coordinate the review of requests by State agencies for the procurement of telecommunications systems or services.

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- (7) Pursuant to G.S. 143-341 and Chapter 146 of the General Statutes, coordinate the review of requests by State agencies for State government property acquisition, disposition, or construction for telecommunications systems requirements.
- (8) Provide a periodic inventory of telecommunications costs, facilities, systems, and personnel within State agencies.
- (9) Promote, coordinate, and assist in the design and engineering of emergency telecommunications systems, including, but not limited to, the 911 emergency telephone number program, Emergency Medical Services, and other emergency telecommunications services.
- (10) Perform frequency coordination and management for State agencies and local governments, including all public safety radio service frequencies, in accordance with the rules and regulations of the Federal Communications Commission or any successor federal agency.
- (11) Advise all State agencies on telecommunications management planning and related matters and provide through the State Personnel Training Center or the Office of Information Technology Services training to users within State agencies in telecommunications technology and systems.
- (12) Assist and coordinate the development of policies and long-range plans, consistent with the protection of citizens' rights to privacy and access to information, for the acquisition and use of telecommunications systems, and base such policies and plans on current information about State telecommunications activities in relation to the full range of emerging technologies.
- (13) Work cooperatively with the North Carolina Agency for Public Telecommunications in furthering the purpose of this section.

(b) The provisions of this section shall not apply to the Criminal Information Division of the Department of Justice or to the Judicial Information System in the Judicial Department."

**SECTION 24.** G.S. 147-33.95 reads as rewritten:

"(a) Notwithstanding any other provision of law, the Office of Information Technology Services shall procure all information technology for State agencies. ~~For purposes of this section, agency means any department, institution, commission, committee, board, division, bureau, office, officer, or official of the State, unless specifically exempted in this Article.~~ The Office shall integrate technological review, cost analysis, and procurement for all information technology needs of those State agencies in order to make procurement and implementation of technology more responsive, efficient, and cost-effective. All contract information shall be made a matter of public record after the award of contract. ~~Provided, that trade-Trade~~ secrets, test data, similar proprietary information, and security information protected under G.S. 132-6.1(c) may remain confidential.

(b) The Office shall have the authority and responsibility, subject to the provisions of this Part, to:

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- (1) Purchase or ~~to contract for, by suitable means, including, but not limited to, negotiations, reverse auctions, and the solicitation, offer, and acceptance of electronic bids, and in conformity with G.S. 143-135.9, —~~ for all information technology in the State government, or any of its departments, institutions, or agencies covered by this ~~Part, or to Part.~~ The Office may authorize any department, institution, or State agency covered by this Part to purchase or contract for such information technology. The Office or a State agency may use any authorized means, including negotiations, reverse auctions, and the solicitation, offer, and acceptance of electronic bids. G.S. 143-135.9 shall apply to these procedures.
- (2) Establish processes, specifications, and standards ~~which that~~ shall apply to all information technology to be purchased, licensed, or leased in the State government or any of its departments, institutions, or agencies covered by this Part.
- (3) Comply with the State government-wide technical architecture, as required by the ~~Information Resources Management Commission~~ State CIO.

(c) For purposes of this section, "reverse auction" means a real-time purchasing process in which vendors compete to provide goods or services at the lowest selling price in an open and interactive electronic environment. The vendor's price may be revealed during the reverse auction. The Office may contract with a third-party vendor to conduct the reverse auction.

(d) For purposes of this section, "electronic bidding" means the electronic solicitation and receipt of offers to contract. Offers may be accepted and contracts may be entered by use of electronic bidding.

(e) The Office may use the electronic procurement system established by G.S. 143-48.3 to conduct reverse auctions and electronic bidding. All requirements relating to formal and competitive bids, including advertisement, seal, and signature, are satisfied when a procurement is conducted or a contract is entered in compliance with the reverse auction or electronic bidding requirements established by the Office.

(f) The Office ~~may shall~~ adopt rules consistent with this section."

**SECTION 25.** G.S. 147-33.101(b) reads as rewritten:

"(b) Prior to submission of any contract for review by the Board of Awards pursuant to this section for any contract for information technology being acquired for the benefit of the Office and not on behalf of any other State agency, the Director of the Budget shall review and approve the procurement to ensure compliance with the established processes, specifications, and standards applicable to all information technology purchased, licensed, or leased in State government, including established procurement processes, and compliance with the State government-wide technical architecture as established by the ~~Information Resources Management Commission~~ State CIO."

**SECTION 26.** G.S. 147-33.103(b) is repealed.

### **PART III. OTHER CONFORMING CHANGES.**

**SECTION 27.** G.S. 66-58.12(c) reads as rewritten:

"(c) The fee imposed under subsection (b) of this section must be approved by the ~~Information Resource Management Commission, State Chief Information Officer,~~ in consultation with the Joint Legislative Commission on Governmental

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Operations. The revenue derived from the fee must be credited to a nonreverting agency reserve account. The funds in the account may be expended only for e-commerce initiatives and projects approved by the ~~Information Resource Management Commission~~, State Chief Information Officer, in consultation with the ~~Joint Select Legislative Oversight Committee~~ on Information Technology. For purposes of this subsection, the term 'public agencies' does not include a county, unit, special district, or other political subdivision of government."

**SECTION 28.** G.S. 66-58.20 reads as rewritten:

**"§ 66-58.20. Development and implementation of Web portals; public agency links.**

(a) The Office of Information Technology Services (ITS) shall develop the architecture, requirements, and standards for the development, implementation and operation of one or more centralized Web portals that will allow persons to access State government services on a 24-hour basis. ITS shall submit its plan for the implementation of the Web portals to the ~~Information Resource Management Commission (IRMC)~~ State Chief Information Officer for its review and approval. When the plan is approved by the ~~IRMC~~ State Chief Information Officer, ITS shall move forward with development and implementation of the statewide Web Portal system.

(b) Each State department, agency, and institution under the review of the ~~IRMC~~ State Chief Information Officer shall functionally link its Internet or electronic services to a centralized Web portal system established pursuant to subsection (a) of this section."

**SECTION 29.** G.S. 115C-102.6B reads as rewritten:

**"§ 115C-102.6B. Approval of State school technology plan.**

(a) The Commission shall present the State school technology plan it develops to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Education Oversight Committee for their comments prior to January 1, 1995. At least every two years thereafter, the Commission shall develop any necessary modifications to the State school technology plan and present them to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Education Oversight Committee.

(b) After presenting the plan or any proposed modifications to the plan to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Education Oversight Committee, the Commission shall submit the plan or any proposed modifications to (i) the ~~Information Resources Management Commission~~ for its State Chief Information Officer for approval of the technical components of the plan set out in G.S. 115C-102.6A(1) through (4), and (ii) the State Board of Education for information purposes only. The State Board shall adopt a plan that includes the components of a plan set out in G.S. 115C-103.6A(1) through (16).

At least one-fourth of the members of any technical committee that reviews the plan for the ~~Information Resources Management Commission~~ State Chief Information Officer shall be people actively involved in primary or secondary education.

(c) If no changes are made to the plan or the proposed modifications to the plan after the submission to the ~~Information Resources Management Commission~~ State Chief Information Officer and the State Board of Education, the plan or the proposed modifications shall take effect upon approval by the ~~Information Resources Management Commission~~ State Chief Information Officer and the State Board of Education."

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**SECTION 30.** G.S. 115C-102.6C(a) reads as rewritten:

**"§ 115C-102.6C. Approval of local school system technology plans.**

(a) Each local board of education shall develop a local school system technology plan that meets the requirements of the State school technology plan. In developing a local school system technology plan, a local board of education is encouraged to coordinate its planning with other agencies of State and local government, including other local school administrative units.

The ~~Information Resources Management Commission~~ Office of Information Technology Services shall assist the local boards of education in developing the parts of the plan related to its technological aspects, to the extent that resources are available to do so. The Department of Public Instruction shall assist the local boards of education in developing the instructional and technological aspects of the plan.

Each local board of education shall submit the local plan it develops to the ~~Information Resources Management Commission~~ Office of Information Technology Services for its evaluation of the parts of the plan related to its technological aspects and to the Department of Public Instruction for its evaluation of the instructional aspects of the plan. The State Board of Education, after consideration of the evaluations of the ~~Information Resources Management Commission~~ Office of Information Technology Services and the Department of Public Instruction, shall approve all local plans that comply with the requirements of the State school technology plan."

**SECTION 31.** G.S. 115C-102.7(b) reads as rewritten:

"(b) The Commission shall provide notice of meetings, copies of minutes, and periodic briefings to the ~~chair of the Information Resources Management Commission and the chair of the Technical Committee of the Information Resources Management Commission~~ Office of Information Technology Services."

**SECTION 32.** G.S. 115C-102.15(b)(16) reads as rewritten:

"(b) The Business and Education Technology Alliance shall be composed of 27 members who have knowledge and interest in ensuring that the effective use of technology is built into the North Carolina School System for the purpose of preparing a globally competitive workforce and citizenry for the 21st century. These members shall be appointed as follows:

...

- (16) One representative of the ~~Information Resource Management Commission appointed by the Commission's Chair~~ Office of Information Technology Services appointed by the State Chief Information Officer."

**SECTION 33.** G.S. 115C-472.5(d) reads as rewritten:

"(d) The Department of Public Instruction shall report to the ~~Information Resource Management Commission~~ State Chief Information Officer on an annual basis on all loans made from the fund."

**SECTION 34.** G.S. 115C-529 reads as rewritten:

**"§ 115C-529. Useful life guidelines.**

The ~~Information Resource Management Commission~~ State Office of Information Technology Services shall develop and annually revise guidelines for determining the useful life of computers purchased under G.S. 115C-528. The

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Division of Purchase and Contract shall develop and periodically revise guidelines for determining the useful life of automobiles, school buses, and photocopiers purchased under G.S. 115C-528. The Local Government Commission shall develop and periodically revise guidelines for determining the useful life of mobile classroom units purchased under G.S. 115C-528. Guidelines for computers and photocopiers shall include provisions for upgrades during the term of the contract. ~~The Information Resource Management Commission, State Office of Information Technology Services,~~ the Division of Purchase and Contract, and the Local Government Commission shall provide their respective guidelines to the State Board of Education by November 1, 1996. The State Board of Education shall provide the guidelines to local boards of education by January 1, 1997."

**SECTION 35.** G.S. 120-123(57) is repealed.

**SECTION 36.** G.S. 120-231(b) reads as rewritten:

"(b) The Committee may consult with the ~~Information Resource Management Commission State Chief Information Officer~~ on statewide technology strategies and initiatives and review all legislative proposals and other recommendations of the ~~Information Resource Management Commission State Chief Information Officer.~~"

**SECTION 37.** G.S. 126-5(c1)(17) is repealed.

**SECTION 38.** G.S. 132-6.2(b) reads as rewritten:

"(b) Persons requesting copies of public records may request that the copies be certified or uncertified. The fees for certifying copies of public records shall be as provided by law. Except as otherwise provided by law, no public agency shall charge a fee for an uncertified copy of a public record that exceeds the actual cost to the public agency of making the copy. For purposes of this subsection, "actual cost" is limited to direct, chargeable costs related to the reproduction of a public record as determined by generally accepted accounting principles and does not include costs that would have been incurred by the public agency if a request to reproduce a public record had not been made. Notwithstanding the provisions of this subsection, if the request is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or if producing the record in the medium requested results in a greater use of information technology resources than that established by the agency for reproduction of the volume of information requested, then the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the actual cost incurred for such extensive use of information technology resources or the labor costs of the personnel providing the services, or for a greater use of information technology resources that is actually incurred by the agency or attributable to the agency. If anyone requesting public information from any public agency is charged a fee that the requester believes to be unfair or unreasonable, the requester may ask the ~~Information Resource Management Commission State Chief Information Officer~~ or his designee to mediate the dispute."

**SECTION 39.** G.S. 143-6 reads as rewritten:

"(b2) Any department, bureau, division, officer, board, commission, institution, or other State agency or undertaking desiring to request financial aid from the State for the purpose of acquiring or maintaining information technology as defined by G.S. 147-33.81(2) shall, before making the request for State financial aid,

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submit to the State Chief Information Officer ~~(CIO)~~(State CIO) a statement of its needs in terms of information technology and other related requirements and shall furnish the State CIO with any additional information requested by the State CIO. The CIO shall then review the statement of needs ~~submitted by the requesting department, bureau, division, officer, board, commission, institution, or other State agency or undertaking~~ and perform additional analysis, as necessary, to comply with ~~G.S. 147-33.82. Article 3D of Chapter 147 of the General Statutes.~~ All requests for financial aid for the purpose of acquiring or maintaining information technology shall be accompanied by a certification from the State CIO deeming the request for financial aid to be consistent with Article 3D of Chapter 147 of the General Statutes. The State CIO shall make recommendations to the Governor regarding the merits of requests for financial aid for the purpose of acquiring or maintaining information technology. This subsection shall not apply to requests for appropriations of less than one hundred thousand dollars (\$100,000)."

**SECTION 40.** G.S. 143-48.3(a1) reads as rewritten:

"(a1) The Department of Administration shall comply with the State government-wide technical architecture for information technology, as required by the ~~Information Resources Management Commission~~ State Chief Information Officer."

**SECTION 40A.** G.S. 143-48.3(e) reads as rewritten:

"(e) The Board of Governors of The University of North Carolina shall exempt North Carolina State University and The University of North Carolina at Chapel Hill from the electronic procurement system authorized by this Article until May 1, 2003. Each exemption shall be subject to the Board of Governors' annual review and reconsideration. Exempted constituent institutions shall continue working with the North Carolina E-Procurement Service as that system evolves and shall ensure that their proposed procurement systems are compatible with the North Carolina E-Procurement Service so that they may take advantage of this service to the greatest degree possible. Before an exempted institution expands any electronic procurement system, that institution shall consult with the Joint Legislative Commission on Governmental Operations and the Joint ~~Select~~ Legislative Oversight Committee on Information Technology. By May 1, 2003, the General Assembly shall evaluate the efficacy of the State's electronic procurement system and the inclusion and participation of entities in the system."

**SECTION 41.** G.S. 143-48.3(f) reads as rewritten:

"(f) Any State entity, local school administrative unit, or community college operating a functional electronic procurement system established prior to September 1, 2001, may until May 1, 2003, continue to operate that system independently or may opt into the North Carolina E-Procurement Service. Each entity subject to this section shall notify the Office of Information Technology Services ~~Information Resources Management Commission~~ by January 1, 2002, and ~~annually thereafter, or by January 1 of each year of~~ its intent to participate in the North Carolina E-Procurement Service."

**SECTION 41A.** G.S. 143-52.1(e) reads as rewritten:

"(e) Reports on recommendations made by the Board on matters presented by the State Chief Information Officer to the Board shall be reported monthly by the Board to the chairs of the Joint ~~Select~~ Legislative Oversight Committee on Information Technology."

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**SECTION 42.** G.S. 143-661(b)(5) reads as rewritten:

"(b) The Board shall consist of 21 members, appointed as follows:

...

- (5) One member appointed by the ~~Chair of the Information Resource Management Commission, who is the Chair or a member of that Commission, for a term to begin on September 1, 1996 and to expire on June 30, 1999.~~ State Chief Information Officer."

**SECTION 43.** G.S. 143-663(a)(2) reads as rewritten:

**"§ 143-663. Powers and duties.**

(a) The Board shall have the following powers and duties:

...

- (2) To develop and adopt uniform standards and cost-effective information technology, after thorough evaluation of the capacity of information technology to meet the present and future needs of the State and, in consultation with the ~~Information Resource Management Commission, Office of Information Technology Services,~~ to develop and adopt standards for entering, storing, and transmitting information in criminal justice databases and for achieving maximum compatibility among user technologies."

**SECTION 44.** G.S. 143-725(a) reads as rewritten:

**"§ 143-725. Council established; role of the Center for Geographic Information and Analysis.**

(a) Council Established. – The North Carolina Geographic Information Coordinating Council ("Council") is established to develop policies regarding the utilization of geographic information, GIS systems, and other related technologies. The Council shall be responsible for the following:

- (1) Strategic planning.
- (2) Resolution of policy and technology issues.
- (3) Coordination, direction, and oversight of State, local, and private GIS efforts.
- (4) Advising the Governor, the General Assembly, and the ~~Information Resource Management Commission (IRMC)~~ State Chief Information Officer as to needed directions, responsibilities, and funding regarding geographic information.

The purpose of this statewide geographic information coordination effort shall be to further cooperation among State, federal, and local government agencies; academic institutions; and the private sector to improve the quality, access, cost-effectiveness, and utility of North Carolina's geographic information and to promote geographic information as a strategic resource in the State. The Council shall be located in the Office of the Governor for organizational, budgetary, and administrative purposes."

**SECTION 45.** G.S. 143B-146.13 reads as rewritten:

**"§ 143B-146.13. School technology plan.**

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(a) No later than December 15, 1998, the Secretary shall develop a school technology plan for the residential schools that meets the requirements of the State school technology plan. In developing a school technology plan, the Secretary is encouraged to coordinate its planning with other agencies of State and local government, including local school administrative units.

The ~~Information Resources Management Commission~~ Office of Information Technology Services shall assist the Secretary in developing the parts of the plan related to its technological aspects, to the extent that resources are available to do so. The Department of Public Instruction shall assist the Secretary in developing the instructional and technological aspects of the plan.

The Secretary shall submit the plan that is developed to the ~~Information Resources Management Commission~~ Office of Information Technology Services for its evaluation of the parts of the plan related to its technological aspects and to the Department of Public Instruction for its evaluation of the instructional aspects of the plan. The State Board of Education, after consideration of the evaluations of the ~~Information Resources Management Commission~~ Office of Information Technology Services and the Department of Public Instruction, shall approve all plans that comply with the requirements of the State school technology plan."

**SECTION 45A.** G.S. 143B-437.47(e) reads as rewritten:

"(e) Reports. – The Authority shall submit quarterly reports to the Governor, the Joint ~~Select~~ Legislative Oversight Committee on Information Technology, and the Joint Legislative Commission on Governmental Operations. The reports shall summarize the Authority's activities during the quarter and contain any information about the Authority's activities that is requested by the Governor, the Committee, or the Commission."

**SECTION 46.** G.S. 147-64.6(b)(18) reads as rewritten:

"(b) The Auditor shall be responsible for the following acts and activities:

- ...
- (18) The Auditor shall, after consultation and in coordination with the State Chief Information Officer, assess, confirm, and report on the security practices of information technology systems. If an agency has adopted standards pursuant to ~~G.S. 147-33.82(d)(1) or (2), G.S. 147-33.111(a)~~, the audit shall be in accordance with those standards. The Auditor's assessment of information security practices shall include an assessment of network vulnerability. The Auditor may conduct network penetration or any similar procedure as the Auditor may deem necessary. The Auditor may enter into a contract with a State agency under ~~G.S. 147-33.82(d)(3)~~ G.S. 147-33.111(c) for an assessment of network vulnerability, including network penetration or any similar procedure. Any contract with the Auditor for the assessment and testing shall be on a cost-reimbursement basis. The Auditor may investigate reported information technology security breaches, cyber attacks, and cyber fraud in State government. The Auditor shall issue public reports on the

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general results of the reviews undertaken pursuant to this subdivision but may provide agencies with detailed reports of the security issues identified pursuant to this subdivision which shall not be disclosed as provided in G.S. 132-6.1(c). The Auditor shall provide the State Chief Information Officer with detailed reports of the security issues identified pursuant to this subdivision. For the purposes of this subdivision only, the Auditor is exempt from the provisions of Article 3 of Chapter 143 of the General Statutes in retaining contractors."

**SECTION 46A.** G.S. 147-68(d2) reads as rewritten:

"(d2) After consulting with the Select Committee on Information Technology and the Joint Legislative Commission on Governmental Operations and after consultation with and approval of the Information Resources Management Commission, the Department of State Treasurer may spend departmental receipts for the 2000-2001 fiscal year to continue improvement of the Department's investment banking operations system, retirement payroll systems, and other information technology infrastructure needs. The Department of State Treasurer shall report by January 1, 2001, and annually thereafter to the following regarding the amount and use of the departmental receipts: the Joint Legislative Commission on Governmental Operations, the Chairs of the General Government Appropriations Subcommittees of both the House of Representatives and the Senate, and the ~~Select~~ Joint Legislative Committee on Information Technology."

#### **PART IV. STUDIES.**

**SECTION 47.(a)** Each State agency, with the exception of The University of North Carolina and its constituent institutions, the Administrative Office of the Courts, and the General Assembly shall conduct a thorough, agencywide examination and analysis of its Information Technology (IT) infrastructure, including IT expenditures and management functions. The purpose of the examination is to enable the General Assembly, the State CIO, the Office of State Budget and Management, and the State Controller to readily determine the amount of State funds being expended annually on each and all IT functions. As part of this examination, each agency shall review IT contracts with outside vendors, including the adequacy of contract management, and shall consider the implementation of performance measures in the development of future IT contracts. Each agency shall also identify IT functions that could be performed more economically through statewide approach across all agencies. Each agency shall report its plan in a format developed and approved by the State CIO and the Office of State Budget and Management. Reports shall be submitted to the Office of State Budget and Management and the State CIO on or before March 1, 2005.

**SECTION 47.(b)** The Office of State Budget and Management, in conjunction with the State CIO, the Information Technology Advisory Board, and the State Controller, shall develop a plan to consolidate information technology infrastructure, staffing, and expenditures where a statewide approach would be more economical. The plan shall not include The University of North Carolina and its constituent institutions, the Administrative Office of the Courts, and the General Assembly. The plan shall consider agency-specific program needs. The plan shall

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include specific recommendations to convert contractor FTE to State positions for recurring activities where the contractor positions have been filled for 12 months, beginning July 1, 2003. In developing the recommendations for converting contractor positions, the OSBM shall consider the nature of the work being performed by the contractors, the level of technical expertise required for the work, and whether the use of State positions would be more economical. The plan also shall identify agencies that lack the budgetary and technical resources to operate modern, secure information technology systems, and propose a method of consolidating those information technology systems under a centralized authority, with the approval of the agency. The OSBM shall use reports compiled by each State agency, as required by subsection (a) of this section, in the development of the plan. The office shall report the plan to the Joint Legislative Commission on Governmental Operations on or before January 1, 2006.

**PART V. APPLICABILITY AND EFFECTIVE DATE.**

**SECTION 48.** Nothing in this act shall be construed to require a State agency that has issued a request for proposals for an information technology project approved by the Information Resources Management Commission to seek approval of the information technology project by the State Chief Information Officer under G.S. 147-33.72C or otherwise revise the request for proposals.

**SECTION 49.** This act becomes effective July 1, 2004.

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed on today's Calendar, for adoption.

*Upon the appearance of Senator Bingham and Senator Sloan in the Chamber, the Chair acknowledges their presence and the leaves of absence granted previously are withdrawn.*

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

House of Representatives  
July 16, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **S.B. 991** (Conference Report), A BILL TO BE ENTITLED AN ACT TO IMPROVE STATE GOVERNMENT INFORMATION TECHNOLOGY PLANNING, ADOPT STANDARDS, MAKE PROJECT DEVELOPMENT MORE EFFICIENT, REDUCE COST OVERRUNS, PROVIDE ASSISTANCE TO STATE AGENCIES, AND INCREASE ACCOUNTABILITY.

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

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Respectfully,  
S/Denise Weeks  
Principal Clerk

**CALENDAR** *(continued)*

**S.B. 991** (Conference Report), A BILL TO BE ENTITLED AN ACT TO IMPROVE STATE GOVERNMENT INFORMATION TECHNOLOGY PLANNING, ADOPT STANDARDS, MAKE PROJECT DEVELOPMENT MORE EFFICIENT, REDUCE COST OVERRUNS, PROVIDE ASSISTANCE TO STATE AGENCIES, AND INCREASE ACCOUNTABILITY, for adoption, placed earlier on today's Calendar.

Upon motion of Senator Reeves, the Senate adopts the Conference Report (40-4).

Pursuant to the message from the House of Representatives received earlier today that the House has adopted the Conference Report for S.B. 991, the President orders the bill enrolled and sent to the Governor by special message.

**REPORTS OF COMMITTEES**

A standing committee report is submitted out of the regular order of business, 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**:

**S.B. 1152**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON STATE GUARDIANSHIP LAWS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill, as amended with amendments attached.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85368, as amended, which changes the title to read **S.B. 1152** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES, is adopted and engrossed.

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

**CALENDAR** *(continued)*

**S.B. 1152** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES, as amended by the **Rules and Operations of the Senate Committee**, placed earlier on today's Calendar.

Senator Hoyle offers Amendment No. 1 which is adopted (43-0).

The Committee Substitute bill, as amended, passes its second (44-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

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**CONFERENCE REPORT**

Senator Hoyle for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1463** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION, submits for adoption the following report:

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

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1463, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION, Senate Commerce Committee Substitute Adopted 6/23/04 Fourth Edition Engrossed 6/28/04, submit the following report:

The House and Senate agree to the following amendments to the Senate Commerce Committee Substitute Adopted 6/23/04 Fourth Edition Engrossed 6/28/04, and the House concurs in the Senate Commerce Committee Substitute as amended:

On page 1, line 25 through page 2, line 14, by rewriting those lines to read:

- "(1) Fourteen members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives. Of these appointments:
- a. Two shall be physicians licensed to practice in this State.
  - b. One shall represent health insurers.
  - c. Two shall represent hospitals located in this State.
  - d. One shall represent businesses with fewer than 50 employees and one shall represent businesses with 50 or more employees.
  - e. One shall be a person without health insurance or an advocate for uninsured persons.
  - f. One shall represent insurance brokers or agents.
  - g. One shall be a member of the Health and Wellness Trust Fund Commission, as established in G.S. 147-86.32.

The Speaker shall designate a co-chair.

- (2) Fourteen members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate. Of these appointments:
- a. One shall represent physicians licensed to practice in this State.
  - b. Two shall represent health insurers.

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- c. One shall represent hospitals located in this State.
- d. One shall represent businesses with fewer than 50 employees and one shall represent businesses with 50 or more employees.
- e. One shall be a person without health insurance or an advocate of uninsured persons.
- f. One shall represent health researchers and policy experts.
- g. One shall represent nurses.
- h. One shall be a member of the Health and Wellness Trust Fund Commission, as established in G.S. 147-86.32.

The President Pro Tempore shall appoint a co-chair.

The appointing authorities shall ensure that appointments reflect representation among the regions of the State."

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

Date Conferees approved report: July 16, 2004.

*Conferees for the Senate*

S/Senator David W. Hoyle, Chair  
S/Senator Scott Thomas  
S/Senator A. B. Swindell, IV  
S/Senator John Garwood

*Conferees for the House of Representatives*

S/Representative Earl Jones, Co-Chair  
S/Representative Constance K. Wilson,  
Co-Chair  
S/Representative Walter Church, Sr.  
S/Representative William Daughtridge, Jr.  
Representative Stephen LaRoque  
S/Representative Bill Owens

Upon motion of Senator Hoyle, the rules are suspended and the Conference Report is placed on the Calendar for immediate consideration.

Upon motion of Senator Hoyle, the Senate adopts the Conference Report (42-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

The Senate recesses at 3:23 P.M. to reconvene at 3:30 P.M.

**RECESS**

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

**CALENDAR** (*continued*)

**H.B. 1665** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DISPOSITIONAL HEARING OF A JUVENILE WHO IS IN RESIDENTIAL TREATMENT BE HELD IN THE COUNTY IN WHICH THE JUVENILE IS RECEIVING TREATMENT.

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The Committee Substitute bill passes its second (43-0) and third readings and is ordered enrolled and sent to the Governor by special message.

**S.B. 74** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING WINERY PERMITS, 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 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Purcell, Queen, Rand, Reeves, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein and White—42.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Saturday, July 17, for concurrence in the House Committee Substitute bill, upon third reading.

#### DISMISSAL OF CONFEREES

**S.B. 52** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT PERSONNEL MEDIATIONS BY THE UNIVERSITY OF NORTH CAROLINA SYSTEM ARE NOT CONSIDERED "PRACTICE LAW"; THAT RECORDS CREATED AS PART OF THOSE PERSONNEL MEDIATIONS ARE NOT PUBLIC RECORDS; AND THAT PARTICIPANTS IN THOSE PERSONNEL MEDIATIONS ARE TREATED SIMILARLY TO PARTICIPANTS IN OTHER MEDIATIONS, TO PROVIDE FOR OPEN DISCOVERY IN ALL FELONY CASES, AND TO MAKE CERTAIN OTHER AMENDMENTS TO THE LAWS REGARDING DISCOVERY IN CRIMINAL CASES.

Without objection, Senator Rand offers a motion that the Senate Conferees appointed earlier today to resolve the differences in the House Committee Substitute bill be dismissed, which motion prevails.

Upon motion of Senator Rand, 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.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

#### CALENDAR *(continued)*

**S.B. 916** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CIVIL NO-CONTACT ORDERS FOR THE PROTECTION OF EMPLOYEES FROM WORKPLACE VIOLENCE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the President orders, without objection, the House Committee Substitute bill temporarily displaced.

**H.B. 1264** (Conference Report), A BILL TO BE ENTITLED AN ACT (1) TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE

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VITAL STATE FACILITIES FOR HEALTH CARE AND HIGHER EDUCATION NEEDS AND FOR JUVENILE DETENTION; (2) TO REQUIRE THE TOBACCO TRUST FUND AND THE HEALTH AND WELLNESS TRUST FUND TO PROVIDE THE DEBT SERVICE FOR THIS INDEBTEDNESS; (3) TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, THE PRESERVATION OF NATURAL HERITAGE, AND CLEAN WATER CONSERVATION AND TO USE FUNDS CURRENTLY DEDICATED TO THESE PURPOSES TO REPAY THE INDEBTEDNESS; (4) TO REQUIRE THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY TO ALLOCATE FUNDS GEOGRAPHICALLY ACROSS THE STATE; (5) TO MAKE CLARIFYING CHANGES; (6) TO CREATE THE DEBT AFFORDABILITY ADVISORY COMMITTEE; (7) TO DIRECT THE UNIVERSITY OF NORTH CAROLINA AND THE STATE BOARD OF COMMUNITY COLLEGES TO CONDUCT A STUDY OF UNIVERSITY AND COMMUNITY COLLEGE PROGRAMMING AND CAPITAL NEEDS; AND (8) TO DIRECT THE STATE TREASURER TO STUDY THE POTENTIAL COSTS AND BENEFITS OF INNOVATIVE STATE FINANCING, for adoption upon second reading.

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

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 39, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Bingham, Blake, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Garwood, Hagan, Hargett, Hartsell, Holloman, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Purcell, Queen, Rand, Reeves, Shaw, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Weinstein and White—39.

Voting in the negative: Senators Brock, Horton, Pittenger, Sloan and Webster—5.

The Conference Report remains on the Calendar for tomorrow, Saturday, July 17, for adoption upon third reading.

**S.B. 1118** (Conference Report), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR THE FIRST IN FORESTRY SPECIAL PLATE, TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO AUTHORIZE DMV TO ISSUE THE FOLLOWING NEW SPECIAL PLATES: DAUGHTERS OF THE AMERICAN REVOLUTION, EL PUEBLO, HOMES4NC, NC 4-H DEVELOPMENT FUND, SPORT FISHING, COMMERCIAL FISHING, AND A HIGH SCHOOL INSIGNIA PLATE, for adoption.

Upon motion of Senator Kerr, 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.

#### REPORTS OF COMMITTEES

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

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By Senator Lucas for the **Education/Higher Education Committee**:

**H.B. 1464** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE BY FIVE THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN ANY LOCAL SCHOOL ADMINISTRATIVE UNITS IN A COUNTY THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT FIVE NONINSTRUCTIONAL TEACHER WORKDAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES AND ARE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO PROVIDE THAT THE REMAINING NONINSTRUCTIONAL TEACHER WORKDAYS ARE SCHEDULED BY THE LOCAL BOARD OF EDUCATION IN CONSULTATION WITH EACH SCHOOL'S PRINCIPAL FOR USE AS TEACHER WORKDAYS, ADDITIONAL INSTRUCTIONAL DAYS, OR OTHER LAWFUL PURPOSES AND MAY BE DESIGNATED AS MAKEUP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL"; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW, 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 CSRQ-48, which changes the title to read **H.B. 1464** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REDUCE BY FIVE THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN ANY LOCAL SCHOOL ADMINISTRATIVE UNITS IN A COUNTY THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO

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ALLOW THE STATE BOARD OF EDUCATION TO GRANT EXEMPTIONS FROM THE OPENING AND CLOSING DATE REQUIREMENT FOR PURPOSES OF ACCOMMODATING SPECIAL PROGRAMS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT FIVE NONINSTRUCTIONAL TEACHER WORKDAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES AND ARE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO PROVIDE THAT THE REMAINING NONINSTRUCTIONAL TEACHER WORKDAYS ARE SCHEDULED BY THE LOCAL BOARD OF EDUCATION IN CONSULTATION WITH EACH SCHOOL'S PRINCIPAL FOR USE AS TEACHER WORKDAYS, ADDITIONAL INSTRUCTIONAL DAYS, OR OTHER LAWFUL PURPOSES AND MAY BE DESIGNATED AS MAKEUP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL"; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO DIRECT THE STATE BOARD OF EDUCATION TO STUDY NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill No. 2 is placed on today's Calendar.

#### **CALENDAR** *(continued)*

**H.B. 1464** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REDUCE BY FIVE THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN ANY LOCAL SCHOOL ADMINISTRATIVE UNITS IN A COUNTY THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ALLOW THE STATE BOARD OF EDUCATION TO GRANT EXEMPTIONS FROM THE OPENING AND CLOSING DATE REQUIREMENT FOR PURPOSES OF ACCOMMODATING SPECIAL PROGRAMS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT FIVE NONINSTRUCTIONAL TEACHER WORKDAYS ARE PROTECTED FOR

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TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES AND ARE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO PROVIDE THAT THE REMAINING NONINSTRUCTIONAL TEACHER WORKDAYS ARE SCHEDULED BY THE LOCAL BOARD OF EDUCATION IN CONSULTATION WITH EACH SCHOOL'S PRINCIPAL FOR USE AS TEACHER WORKDAYS, ADDITIONAL INSTRUCTIONAL DAYS, OR OTHER LAWFUL PURPOSES AND MAY BE DESIGNATED AS MAKEUP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL"; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO DIRECT THE STATE BOARD OF EDUCATION TO STUDY NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW, placed earlier on today's Calendar.

Upon motion of Senator Rand, the President orders, without objection, the Senate Committee Substitute bill No. 2 temporarily displaced.

#### WITHDRAWAL FROM CALENDAR

**H.B. 1429** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE FISHERY MANAGEMENT PLANS TO ACHIEVE SUSTAINABLE HARVEST RATHER THAN OPTIMAL YIELD AND TO SPECIFY A TIME PERIOD FOR ENDING OVERFISHING AND REBUILDING A FISHERY, placed on the Calendar for Saturday, July 17.

Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the Calendar for Saturday, July 17, and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the Calendar of Saturday, July 17, and places it on today's Calendar.

#### CALENDAR *(continued)*

**H.B. 1429** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE FISHERY MANAGEMENT PLANS TO ACHIEVE SUSTAINABLE HARVEST RATHER THAN OPTIMAL YIELD AND TO SPECIFY A TIME PERIOD FOR ENDING OVERFISHING AND REBUILDING A FISHERY, placed earlier on today's Calendar.

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The Committee Substitute bill passes its second (44-0) and third readings and is ordered enrolled and sent to the Governor by special message.

**S.B. 916** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CIVIL NO-CONTACT ORDERS FOR THE PROTECTION OF EMPLOYEES FROM WORKPLACE VIOLENCE, for concurrence in the House Committee Substitute bill, temporarily displaced earlier.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (44-0) and the measure is ordered enrolled and sent to the Governor by special message.

**H.B. 1464** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REDUCE BY FIVE THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN ANY LOCAL SCHOOL ADMINISTRATIVE UNITS IN A COUNTY THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ALLOW THE STATE BOARD OF EDUCATION TO GRANT EXEMPTIONS FROM THE OPENING AND CLOSING DATE REQUIREMENT FOR PURPOSES OF ACCOMMODATING SPECIAL PROGRAMS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT FIVE NONINSTRUCTIONAL TEACHER WORKDAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES AND ARE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO PROVIDE THAT THE REMAINING NONINSTRUCTIONAL TEACHER WORKDAYS ARE SCHEDULED BY THE LOCAL BOARD OF EDUCATION IN CONSULTATION WITH EACH SCHOOL'S PRINCIPAL FOR USE AS TEACHER WORKDAYS, ADDITIONAL INSTRUCTIONAL DAYS, OR OTHER LAWFUL PURPOSES AND MAY BE DESIGNATED AS MAKEUP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL"; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO DIRECT THE STATE BOARD OF EDUCATION TO STUDY NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW, temporarily displaced earlier.

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Senator Rand calls the previous question on the passage of the bill, seconded by Senator Apodaca, which prevails (37-8).

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

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

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

The Senate Committee Substitute bill No. 3 passes its second (30-12) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

### ENROLLED BILLS

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

**S.B. 52**, AN ACT TO CLARIFY THAT PERSONNEL MEDIATIONS BY THE UNIVERSITY OF NORTH CAROLINA SYSTEM ARE NOT CONSIDERED "PRACTICE LAW"; THAT RECORDS CREATED AS PART OF THOSE PERSONNEL MEDIATIONS ARE NOT PUBLIC RECORDS; AND THAT PARTICIPANTS IN THOSE PERSONNEL MEDIATIONS ARE TREATED SIMILARLY TO PARTICIPANTS IN OTHER MEDIATIONS, TO PROVIDE FOR OPEN DISCOVERY IN ALL FELONY CASES, AND TO MAKE CERTAIN OTHER AMENDMENTS TO THE LAWS REGARDING DISCOVERY IN CRIMINAL CASES.

**S.B. 1384**, AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING AND AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING.

**H.B. 1345**, AN ACT TO AUTHORIZE STATE HIGHWAY PATROL MOTOR CARRIER ENFORCEMENT OFFICERS AND OFFICERS OF THE DIVISION OF MOTOR VEHICLES TO ENFORCE CERTAIN CRIMINAL LAWS, TO EXTEND THE TEMPORARY RULE-MAKING PERIOD FOR THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR ELECTRONIC BIDDING, AND TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

**H.B. 1665**, AN ACT TO REQUIRE THE DISPOSITIONAL HEARING OF A JUVENILE WHO IS IN RESIDENTIAL TREATMENT BE HELD IN THE COUNTY IN WHICH THE JUVENILE IS RECEIVING TREATMENT.

The Senate recesses at 6:00 P.M. to reconvene at 6:15 P.M.

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**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, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

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

**H.B. 1427** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING THE CULTIVATION OF SHELLFISH AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO STUDY ISSUES RELATED TO THE CULTIVATION OF SHELLFISH, 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 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, 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, 80487, which changes the title to read **H.B. 1213** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PAY MONETARY COMPENSATION FOR REMOVAL OF LAWFULLY ERECTED OFF-PREMISES OUTDOOR ADVERTISING SIGNS AND TO AUTHORIZE LOCAL GOVERNMENTS TO ENTER INTO RELOCATION AND RECONSTRUCTION AGREEMENTS WITH OWNERS OF NONCONFORMING OFF-PREMISES OUTDOOR ADVERTISING SIGNS, is adopted and engrossed.

Upon motion of Senator Hoyle, the rules are suspended and the Senate Committee Substitute bill No. 2 is placed on today's Calendar.

**CALENDAR** *(continued)*

**H.B. 1427** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING THE CULTIVATION OF SHELLFISH AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO STUDY ISSUES RELATED TO THE CULTIVATION OF SHELLFISH, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (41-1) and third readings and is ordered enrolled and sent to the Governor by special message.

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

**H.B. 1213** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PAY MONETARY COMPENSATION FOR REMOVAL OF LAWFULLY ERECTED OFF-PREMISES OUTDOOR ADVERTISING SIGNS AND TO AUTHORIZE LOCAL GOVERNMENTS TO ENTER INTO RELOCATION AND RECONSTRUCTION AGREEMENTS WITH OWNERS OF NONCONFORMING OFF-PREMISES OUTDOOR ADVERTISING SIGNS, placed earlier on today's Calendar.

Senator Clodfelter offers Amendment No. 1 which is adopted (42-0).

The Senate Committee Substitute bill No. 2, as amended, passes its second (37-5) and third readings and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

Upon motion of Senator Basnight, seconded by Senator Hargett, the Senate adjourns subject to receipt of messages from the House of Representatives, conference reports, committee reports, appointment of conferees, and ratification of bills, to meet tomorrow, Saturday, July 17, at 11:00 A.M.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

**H.B. 1520**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GASTON COUNTY TO LEVY A TEMPORARY HALF CENT LOCAL SALES TAX FOR ECONOMIC DEVELOPMENT AND TOURISM PROJECTS, IF APPROVED BY THE VOTERS OF THE COUNTY.

Referred to the **Finance Committee**.

#### **REPORTS OF COMMITTEES**

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

**H.B. 1520**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GASTON COUNTY TO LEVY A TEMPORARY HALF CENT LOCAL SALES TAX FOR ECONOMIC DEVELOPMENT AND TOURISM PROJECTS, IF APPROVED BY THE VOTERS OF THE COUNTY, with a favorable report.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

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House of Representatives  
July 16, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House adds Representatives Stiller, Howard, McComas, Luebke, G. Allen, and Wainwright as conferees to Senate Committee Substitute for 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.

Respectfully,  
S/Denise Weeks  
Principal Clerk

### CONFERENCE REPORT

Senator Clodfelter for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 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, 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 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, Second Edition Engrossed 6/16/03, submit the following report:

The House recedes from amendments number 1, 2, 3, and 4.

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

Date Conferees approved report: July 16, 2004.

*Conferees for the Senate*

*Conferees for the House of Representatives*

S/Daniel G. Clodfelter, Chair  
S/Tony Rand

S/William T. Culpepper, III  
S/Harold J. Brubaker

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S/James W. Crawford, Jr.  
S/Wilma M. Sherrill  
S/William L. Wainwright  
S/Julia C. Howard  
S/Daniel F. McComas  
S/Thomas E. Wright

The Conference Report, which changes the title, is placed on the Calendar for tomorrow, Saturday, July 17, for adoption.

### CONFERENCE REPORT

Senator Hoyle for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1348** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AUTHORIZE HYDE COUNTY TO LEVY A PREPARED FOOD TAX, submits for adoption the following report:

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

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1348, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO AUTHORIZE HYDE COUNTY TO LEVY A PREPARED FOOD TAX, Senate Finance Committee Substitute Adopted 7/12/04, submit the following report:

The House and Senate agree to the following amendments to the Senate Committee Substitute, Senate Finance Committee Substitute Adopted 7/12/04, and the House concurs in the Senate Finance Committee Substitute as amended:

On page 1, lines 3-4, by rewriting those lines to read:  
"AND TOURISM DEVELOPMENT TAX.";

and on page 1, line 6, by deleting that line;

and on page 2, line 40, through page 4, line 27, by deleting those lines and renumbering the remaining section accordingly.

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

Date Conferees approved report: July 16, 2004.

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*Conferees for the Senate*

S/David W. Hoyle, Chair  
 S/R. C. Soles, Jr.  
 S/Charlie Smith Dannelly

*Conferees for the House of Representatives*

S/William C. Owens, Jr., Chair  
 S/William T. Culpepper, III  
 S/Julia C. Howard  
 S/David R. Lewis  
 S/William L. Wainwright

The Conference Report, which changes the title, is placed on the Calendar for tomorrow, Saturday, July 17, for adoption.

**CONFERENCE REPORT**

Senator Clodfelter for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 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, 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 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, Senate Judiciary I Committee Substitute Adopted 7/15/03, Sixth Edition Engrossed 7/18/03, submit the following report:

The House and Senate agree to the following amendment to the Senate Judiciary I Committee Substitute Adopted 7/15/03, Sixth Edition Engrossed 7/18/03, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Judiciary I Committee Substitute Adopted 7/15/03, Sixth Edition Engrossed 7/18/03 and substitute the attached Proposed Conference Committee Substitute H281-PCCS30581-RH-3.

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

Date Conferees approved report: July 16, 2004.

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*Conferees for the Senate**Conferees for the House of Representatives*

S/Daniel G. Clodfelter, Chair  
S/Tony Rand, Chair

S/William T. Culpepper, III, Chair  
S/Harold J. Brubaker  
S/James W. Crawford, Jr.  
S/Wilma M. Sherrill  
S/William L. Wainwright  
S/Julia C. Howard  
S/Daniel F. McComas  
Thomas E. Wright

The text of the attached Proposed Conference Committee Substitute, PCCS H281-PCCS30581, which changes the title, is as follows:

## 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.

The General Assembly of North Carolina enacts:

**PART I. TECHNICAL CORRECTIONS RECOMMENDED BY THE GENERAL STATUTES COMMISSION**

**SECTION 1.** G.S. 14-402(c)(3) reads as rewritten:

"(c) The following definitions apply in this section:

...

- (3) Crossbow. – A mechanical device consisting of, but not limited to, strings, cables, and prods transversely mounted on either a shoulder or hand-held stock. This ~~device~~ device is mechanically held at full or partial draw and released by a trigger or similar mechanism ~~which~~ that is incorporated into a stock or handle. When operated, the crossbow discharges a projectile known as a bolt.

...."

**SECTION 2.** G.S. 20-7(b1) reads as rewritten:

"(b1) Application. – To obtain ~~a~~ an identification card, learners permit, or drivers license from the Division, a person shall complete an application form provided by the Division, present at least two forms of identification approved by the Commissioner, be a resident of this State, ~~and~~ and, except for an identification card, demonstrate his or her physical and mental ability to drive safely a motor vehicle included in the class of license for which the person has applied. At least one of the forms of identification shall indicate the applicant's residence address. The Division may copy the identification presented or hold it for a brief period of time to verify its authenticity. To obtain an endorsement, a person shall demonstrate his or her physical and mental ability to drive safely the type of motor vehicle for which the endorsement is required.

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The application form shall request all of the following information, and it shall contain the disclosures concerning the request for an applicant's social security number required by section 7 of the federal Privacy Act of 1974, Pub. L. No. 93 579:

- (1) The applicant's full name.
- (2) The applicant's mailing address and residence address.
- (3) A physical description of the applicant, including the applicant's sex, height, eye color, and hair color.
- (4) The applicant's date of birth.
- (5) The applicant's valid social security number.
- (6) The applicant's signature.

If an applicant does not have a valid social security number and is ineligible to obtain one, the applicant shall swear to or affirm that fact under penalty of perjury. In such case, the applicant may provide a valid Individual Taxpayer Identification Number issued by the Internal Revenue Service to that person.

The Division shall not issue an identification card, learners permit, or drivers license to an applicant who fails to provide either the applicant's valid social security number or the applicant's valid Individual Taxpayer Identification Number."

**SECTION 3.** G.S. 49-13.1 is repealed.

**SECTION 4.** G.S. 55B-2(6), as amended by Section 3 of S.L. 2003-117, reads as rewritten:

- "(6) The term "professional service" means any type of personal or professional service of the public which requires as a condition precedent to the rendering of such service the obtaining of a license from a licensing board as herein defined, and pursuant to the following provisions of the General Statutes: Chapter 83A, "Architects"; Chapter 84, "Attorneys-at-Law"; Chapter 93, "Public Accountants"; and the following Articles in Chapter 90: Article 1, "Practice of Medicine," Article 2, "Dentistry," Article 6, "Optometry," Article 7, "Osteopathy," Article 8, "Chiropractic," Article 9A, "Nursing Practice Act," with regard to registered nurses, Article 11, "Veterinarians," Article 12A, "Podiatrists," Article 18A, "Practicing Psychologists," Article 18C, "Marriage and Family Therapy Licensure," Article 18D, "Occupational Therapy," and Article 24, "Licensed Professional Counselors"; Chapter 89C, "Engineering and Land Surveying"; Chapter 89A, "Landscape Architects"; Chapter 90B, "Social Worker Certification and Licensure Act" with regard to ~~Certified~~ Licensed Clinical Social Workers as defined by G.S. 90B-3; Chapter 89E, "Geologists"; Chapter 89B, "Foresters"; and Chapter 89F, "North Carolina Soil Scientist Licensing Act."

**SECTION 5.(a)** G.S. 58-36-10(3) reads as rewritten:

"§ 58-36-10. **Method of rate making; factors considered.**

The following standards shall apply to the making and use of rates:

...

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- (3) In the case of property insurance rates under this Article, consideration may be given to the experience of property insurance business during the most recent five-year period for which that experience is available. In the case of property insurance rates under this Article, consideration shall be given to the insurance public protection classifications of fire districts established by the Commissioner. The Commissioner shall establish and modify from time to time insurance public protection districts for all rural areas of the State and for cities with populations of 100,000 or fewer, according to the most recent annual population estimates certified by the State ~~Planning-Budget~~ Officer. In establishing and modifying these districts, the Commissioner shall use standards at least equivalent to those used by the Insurance Services Office, Inc., or any successor organization. The standards developed by the Commissioner are subject to Article 2A of Chapter 150B of the General Statutes. The insurance public protection classifications established by the Commissioner issued pursuant to the provisions of this Article shall be subject to appeal as provided in G.S. 58-2-75, et seq. The exceptions stated in G.S. 58-2-75(a) do not apply.

...."

**SECTION 5.(b)** G.S. 58-40-25(4) reads as rewritten:

**"§ 58-40-25. Rating methods.**

In determining whether rates comply with the standards under G.S. 58-40-20, the following criteria shall be applied:

...

- (4) In the case of property insurance rates under this Article, consideration shall be given to the insurance public protection classifications of fire districts established by the Commissioner. The Commissioner shall establish and modify from time to time insurance public protection districts for all rural areas of the State and for cities with populations of 100,000 or fewer, according to the most recent annual population estimates certified by the State ~~Planning-Budget~~ Officer. In establishing and modifying these districts, the Commissioner shall use standards at least equivalent to those used by the Insurance Services Office, Inc., or any successor organization. The standards developed by the Commissioner are subject to Article 2A of Chapter 150B of the General Statutes. The insurance public protection classifications established by the Commissioner issued pursuant to the provisions of this Article shall be subject to appeal as provided in G.S. 58-2-75, et seq. The exceptions stated in G.S. 58-2-75(a) do not apply."

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**SECTION 5.(c)** G.S. 58-87-1(b) reads as rewritten:

"(b) A fire department is eligible for a grant under this section if it meets all of the following conditions:

- (1) It serves a response area of 6,000 or less in population.
- (2) It consists entirely of volunteer members, with the exception that the unit may have paid members to fill the equivalent of three full-time paid positions.
- (3) It has been certified by the Department of Insurance.

In making the population determination under subdivision (1) of this subsection, the Department shall use the most recent annual population estimates certified by the State ~~Planning-Budget~~ Officer."

**SECTION 5.(d)** G.S. 105-113.82(e) reads as rewritten:

"(e) Population Estimates. – To determine the population of a city or county for purposes of the distribution required by this section, the Secretary shall use the most recent annual estimate of population certified by the State ~~Planning~~ Budget Officer."

**SECTION 5.(e)** G.S. 105-129.3(b1) reads as rewritten:

"(b1) Data. – In measuring rates of unemployment and per capita income, the Secretary shall use the latest available data published by a State or federal agency generally recognized as having expertise concerning the data. In measuring population and population growth, the Secretary shall use the most recent estimates of population certified by the State ~~Planning-Budget~~ Officer."

**SECTION 5.(f)** G.S. 105-129.3A(a) reads as rewritten:

"(a) Development Zone Defined. – A development zone is an area comprised of one or more contiguous census tracts, census block groups, or both in the most recent federal decennial census that meets all of the following conditions:

- (1) Every census tract and census block group in the zone is located in whole or in part within the primary corporate limits of a city with a population of more than 5,000 according to the most recent annual population estimates certified by the State ~~Planning-Budget~~ Officer.
- (2) It has a population of 1,000 or more according to the most recent annual population estimates certified by the State ~~Planning-Budget~~ Officer.
- (3) More than twenty percent (20%) of its population is below the poverty level according to the most recent federal decennial census.
- (4) Every census tract and census block group in the zone meets at least one of the following conditions:
  - a. More than ten percent (10%) of its population is below the poverty level according to the most recent federal decennial census.
  - b. It is immediately adjacent to another census tract or census block group that is in the same zone and has more than twenty percent (20%) of its population below the poverty level according to the most recent federal decennial census.

- (5) None of the census tracts or census block groups in the zone is located in another development zone designated by the Secretary of Commerce."

**SECTION 5.(g)** G.S. 105-164.44F(b) reads as rewritten:

"(b) Share of Cities Incorporated on or After January 1, 2001. – The share of a city incorporated on or after January 1, 2001, is its per capita share of the amount to be distributed to all cities incorporated on or after this date. This amount is the proportion of the total to be distributed under this section that is the same as the proportion of the population of cities incorporated on or after January 1, 2001, compared to the population of all cities. In making the distribution under this subsection, the Secretary must use the most recent annual population estimates certified to the Secretary by the State ~~Planning-Budget~~ Officer."

**SECTION 5.(h)** G.S. 105-187.19(b) reads as rewritten:

"(b) Each quarter, the Secretary shall credit five percent (5%) of the net tax proceeds to the Solid Waste Management Trust Fund and shall credit twenty-seven percent (27%) of the net tax proceeds to the Scrap Tire Disposal Account. The Secretary shall distribute the remaining sixty-eight percent (68%) of the net tax proceeds among the counties on a per capita basis according to the most recent annual population estimates certified to the Secretary by the State ~~Planning-Budget~~ Officer."

**SECTION 5.(i)** G.S. 105-187.24 reads as rewritten:

**§ 105-187.24. Use of tax proceeds.**

The Secretary shall distribute the taxes collected under this Article, less the Department of Revenue's allowance for administrative expenses, in accordance with this section. The Secretary may retain the Department's cost of collection, not to exceed two hundred twenty-five thousand dollars (\$225,000) a year, as reimbursement to the Department.

Each quarter, the Secretary shall credit eight percent (8%) of the net tax proceeds to the Solid Waste Management Trust Fund and shall credit twenty percent (20%) of the net tax proceeds to the White Goods Management Account. The Secretary shall distribute the remaining seventy-two percent (72%) of the net tax proceeds among the counties on a per capita basis according to the most recent annual population estimates certified to the Secretary by the State ~~Planning-Budget~~ Officer. The Department shall not distribute the tax proceeds to a county when notified not to do so by the Department of Environment and Natural Resources under G.S. 130A-309.87. If a county is not entitled to a distribution, the proceeds allocated for that county will be credited to the White Goods Management Account.

A county may use funds distributed to it under this section only as provided in G.S. 130A-309.82. A county that receives funds under this section and that has an interlocal agreement with another unit of local government under which the other unit provides for the disposal of solid waste for the county must transfer the amount received under this section to that other unit. A unit to which funds are transferred is subject to the same restrictions on use of the funds as the county."

**SECTION 5.(j)** Effective July 1, 2003, G.S. 105-472(b) reads as rewritten:

"(b) Distribution Between Counties and Cities. – The Secretary shall divide the amount allocated to each taxing county among the county and its municipalities in

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accordance with the method determined by the county. The board of county commissioners shall, by resolution, choose one of the following methods of distribution:

- (1) Per Capita Method. – The net proceeds of the tax collected in a taxing county shall be distributed to that county and to the municipalities in the county on a per capita basis according to the total population of the taxing county, plus the total population of the municipalities in the county. In the case of a municipality located in more than one county, only that part of its population living in the taxing county is considered its "total population". In order to make the distribution, the Secretary shall determine a per capita figure by dividing the amount allocated to each taxing county by the total population of that county plus the total population of all municipalities in the county. The Secretary shall then multiply this per capita figure by the population of the taxing county and by the population of each municipality in the county; each respective product shall be the amount to be distributed to the county and to each municipality in the county. To determine the population of each county and each municipality, the Secretary shall use the most recent annual estimate of population certified by the State ~~Planning~~ Budget Officer.
- (2) Ad Valorem Method. – The net proceeds of the tax collected in a taxing county shall be distributed to that county and the municipalities in the county in proportion to the total amount of ad valorem taxes levied by each on property having a tax situs in the taxing county during the fiscal year next preceding the distribution. For purposes of this section, the amount of the ad valorem taxes levied by a county or municipality includes ad valorem taxes levied by the county or municipality in behalf of a taxing district and collected by the county or municipality. In addition, the amount of taxes levied by a county includes ad valorem taxes levied by a merged school administrative unit described in G.S. 115C-513 in the part of the unit located in the county. In computing the amount of tax proceeds to be distributed to each county and municipality, the amount of any ad valorem taxes levied but not substantially collected shall be ignored. Each county and municipality receiving a distribution of the proceeds of the tax levied under this Article shall in turn immediately share the proceeds with each district in behalf of which the county or municipality levied ad valorem taxes in the proportion that the district levy bears to the total levy of the county or municipality. Any county or municipality that fails to provide the Department of Revenue with information concerning ad valorem taxes levied by it adequate to permit a

timely determination of its appropriate share of tax proceeds collected under this Article may be excluded by the Secretary from each monthly distribution with respect to which the information was not provided in a timely manner, and those tax proceeds shall then be distributed only to the remaining counties or municipalities, as appropriate. For the purpose of computing the distribution of the tax under this subsection to any county and the municipalities located in the county for any month with respect to which the property valuation of a public service company is the subject of an appeal and the Department of Revenue is restrained by law from certifying the valuation to the county and the municipalities in the county, the Department shall use the last property valuation of the public service company that has been certified.

The board of county commissioners in each taxing county shall, by resolution adopted during the month of April of each year, determine which of the two foregoing methods of distribution shall be in effect in the county during the next succeeding fiscal year. In order for the resolution to be effective, a certified copy of it must be delivered to the Secretary in Raleigh within 15 calendar days after its adoption. If the board fails to adopt a resolution choosing a method of distribution not then in effect in the county, or if a certified copy of the resolution is not timely delivered to the Secretary, the method of distribution then in effect in the county shall continue in effect for the following fiscal year. The method of distribution in effect on the first of July of each fiscal year shall apply to every distribution made during that fiscal year."

**SECTION 5.(k)** G.S. 136-202(c) reads as rewritten:

"(c) The Department, the metropolitan planning organizations, and the Department of Environment and Natural Resources shall jointly evaluate and adjust the regions defined in each regional travel demand model at least once every five years and no later than October 1 of the year following each decennial federal census. The evaluation and adjustment shall be based on decennial census data and the most recent populations estimates certified by the State ~~Planning-Budget~~ Officer. The adjustment of these boundaries shall reflect current and projected patterns of population, employment, travel, congestion, commuting, and public transportation use and the effects of these patterns on air quality."

**SECTION 5.(l)** G.S. 143-215.107A(d) reads as rewritten:

"(d) Additional Counties. – The Commission may require that motor vehicle emissions inspections be performed in counties in addition to those set out in subsection (c) of this section. In determining whether to require that motor vehicle emissions inspections be performed in a county, the Commission may consider the population of, and distribution of population in, the county; the projected change in population of, and distribution of population in, the county; the number of vehicles registered in the county; the projected change in the number of vehicles registered in the county; vehicle miles traveled in the county; the projected change in vehicle miles traveled in the county; current and projected commuting patterns in the county; and the current and projected impact of these factors on attainment of air quality

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standards in the county and in areas outside the county. The Commission may not require that motor vehicle emissions inspections be performed in any county with a population of less than 40,000 based on the most recent population estimates prepared by the State ~~Planning-Budget~~ Officer. The Commission may not require that motor vehicle emissions inspections be performed in any county in which the number of vehicle miles traveled per day is less than 900,000, based on the most recent estimates prepared by the Department of Transportation. In order to disapprove a rule that requires that motor vehicle emissions inspections be performed in one or more additional counties, a bill introduced pursuant to G.S. 150B-21.3(b) must amend subsection (c) of this section to add one or more other counties in which the total population and vehicle miles traveled per day equal or exceed the total population and vehicle miles traveled in the county or counties listed in the rule that the bill would disapprove."

**SECTION 5.(m)** G.S. 160A-536(c) reads as rewritten:

"(c) Urban Area Revitalization Defined. – As used in this section, the term "urban area revitalization projects" includes the provision within an urban area of any service or facility that may be provided in a downtown area as a downtown revitalization project under subdivision (a)(2) and subsection (b) of this section. As used in this section, the term "urban area" means an area that (i) is located within a city whose population exceeds 150,000 according to the most recent annual population statistics certified by the State ~~Planning-Budget~~ Officer and (ii) meets one or more of the following conditions:

- (1) It is the central business district of the city.
- (2) It consists primarily of existing or redeveloping concentrations of industrial, retail, wholesale, office, or significant employment-generating uses, or any combination of these uses.
- (3) It is located in or along a major transportation corridor and does not include any residential parcels that are not, at their closest point, within 150 feet of the major transportation corridor right-of-way or any nonresidentially zoned parcels that are not, at their closest point, within 1,500 feet of the major transportation corridor right-of-way.
- (4) It has as its center and focus a major concentration of public or institutional uses, such as airports, seaports, colleges or universities, hospitals and health care facilities, or governmental facilities."

**SECTION 5.(n)** G.S. 162A-6(a)(14d) reads as rewritten:

"(a) Each authority created hereunder shall be deemed to be a public instrumentality exercising public and essential governmental functions to provide for the public health and welfare, and each authority is authorized and empowered:

- ...
- (14d) To require the owners of developed property on which there are situated one or more residential dwelling units or commercial establishments located within the jurisdiction of the authority and within a reasonable distance of any waterline or sewer collection line owned, leased as lessee, or



operated by the authority to connect the property with the waterline, sewer connection line, or both and fix charges for the connections. The power granted by this subdivision may be exercised by an authority only to the extent that the service, whether water, sewer, or a combination thereof, to be provided by the authority is not then being provided to the improved property by any other political subdivision or by a public utility regulated by the North Carolina Utilities Commission pursuant to Chapter 62 of the General Statutes. In the case of improved property that would qualify for the issuance of a building permit for the construction of one or more residential dwelling units or commercial establishments and where the authority has installed water or sewer lines or a combination thereof directly available to the property, the authority may require payment of a periodic availability charge, not to exceed the minimum periodic service charge for properties that are connected. This subdivision applies only to a water and sewer authority whose membership includes part or all of a county that has a population of at least 40,000 according to the most recent annual population estimates certified by the State ~~Planning~~ Budget Officer.

...."

**SECTION 6.** G.S. 78A-17 reads as rewritten:

**"§ 78A-17. Exempt transactions.**

Except as otherwise provided in this Chapter, the following transactions are exempted from G.S. 78A-24 and G.S. 78A-49(d):

- (1) Any isolated nonissuer transaction, whether effected through a dealer or ~~not~~ not.
- (2) Any nonissuer distribution other than by a controlling person of an outstanding security if
  - a. A recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within 18 months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or
  - b. A registered dealer files with the Administrator such information relating to the issuer as the Administrator may by rule or order require, or
  - c. The security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the ~~security~~ security.

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- (3) Any nonissuer transaction effected by or through a registered dealer pursuant to an unsolicited order or offer to buy; but the Administrator may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the dealer for a specified ~~period;~~period.
- (4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among ~~underwriters;~~underwriters.
- (5) Any transaction in a bond or other evidence of indebtedness secured by a lien or security interest in real or personal property, or by an agreement for the sale of real estate or chattels, if the entire security interest or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a ~~unit;~~unit.
- (6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or ~~conservator;~~conservator.
- (7) Any transaction executed by a person holding a bona fide security interest without any purpose of evading this ~~Chapter;~~Chapter.
- (8) Any offer or sale to an entity which has a net worth in excess of one million dollars (\$1,000,000) as determined by generally accepted accounting principles, bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a dealer, whether the purchaser is acting for itself or in some fiduciary ~~capacity;~~capacity.
- (9) Any transaction pursuant to an offer directed by the offeror to not more than 25 persons, other than those persons designated in subdivision (8), in this State during any period of 12 consecutive months, whether or not the offeror or any of the offerees is then present in this State, if the seller reasonably believes that all the buyers in this State are purchasing for investment. The Administrator may by rule or order withdraw, amend, or further condition this exemption for any security or security transaction. There is established a fee of one hundred fifty dollars (\$150.00) to recover costs for any filing required.
- (10) Any offer or sale of a preorganizational certificate or subscription if: (i) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber; (ii) no public advertising or solicitation is used in connection with the offer or sale; (iii) the number of subscribers does not exceed 10 and the number of offerees does not exceed 25; and (iv) no payment is made by any subscriber.

- (11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than 90 days of their issuance, if (i) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this State, or (ii) the issuer first files a notice specifying the terms of the offer and the Administrator does not by order disallow the exemption within the next 10 full business ~~days;~~days.
- (12) Any offer (but not a sale) of a security for which registration statements have been filed under both this Chapter and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either ~~act;~~act.
- (13) Any offer or sale by a domestic entity of its own securities if (i) the entity was organized for the purpose of promoting community, agricultural or industrial development of the area in which the principal office is located, (ii) the offer or sale has been approved by resolution of the county commissioners of the county in which its principal office is located, and, if located in a municipality or within two miles of the boundaries thereof, by resolution of the governing body of such municipality, (iii) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective buyer in this State, and (iv) the ~~corporation~~entity is both organized and operated principally to promote some community, industrial, or agricultural development that confers a public benefit rather than organized and operated principally to generate a pecuniary ~~profit;~~profit.
- (14) Any offer, sale or issuance of securities pursuant to an employees' stock or equity purchase, option, savings, pension, profit-sharing, or other similar benefit plan that is exempt under the provisions of ~~G.S. 78A-16(11);~~G.S. 78A-16(11).

...."

**SECTION 7.** G.S. 90-210.69(c) reads as rewritten:

"(c) In accordance with the provisions of Chapter 150B of the General Statutes, if the Board finds that a licensee, an applicant for a license or an applicant for license renewal is guilty of one or more of the following, the Board may refuse to issue or renew a license or may suspend or revoke a license or place the holder thereof on probation upon conditions set by the Board, with revocation upon failure to comply with the conditions:

- (1) Offering to engage or engaging in activities for which a license is required under this Article but without having obtained such a license.

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- (2) Aiding or abetting an unlicensed person, firm, partnership, association, corporation or other entity to offer to engage or engage in such activities.
- (3) A crime involving fraud or moral turpitude by conviction thereof.
- (4) Fraud or misrepresentation in obtaining or receiving a license or in preneed funeral planning.
- (5) False or misleading advertising.
- (6) Violating or cooperating with others to violate any provision of this Article, the rules and regulations of the Board, ~~adopted~~ or the standards set forth in Funeral Industry Practices, 16 C.F.R. 453 (1984), as amended from time to time.

In any case in which the Board is authorized to take any of the actions permitted under this subsection, the Board may instead accept an offer in compromise of the charges whereby the accused shall pay to the Board a penalty of not more than five thousand dollars (\$5,000). In any case in which the Board is entitled to place a licensee on a term of probation, the Board may also impose a penalty of not more than five thousand dollars (\$5,000) in conjunction with such probation."

**SECTION 8.** G.S. 96-4(t)(2) reads as rewritten:

"(t) Confidentiality of Records, Reports, and Information Obtained from Claimants, Employers, and Units of Government.

- ...
- (2) Job Service Information. – (i) Except as hereinafter otherwise provided it is unlawful for any person to disclose any information obtained by the North Carolina State Employment Service Division from workers, employers, applicants, or other persons or groups of persons in the course of administering the State Public Employment Service Program. Provided, however, that if all interested parties waive in writing the right to hold such information confidential, the information may be disclosed and used but only for those purposes that the parties and the Commission have agreed upon in writing. (ii) The Employment Service Division shall make public, through the newspapers and any other suitable media, information as to job openings and available applicants for the purpose of supplying the demand for workers and employment. (iii) The Labor Market Information Division shall collect, collate, and publish statistical and other information relating to the work under the Commission's jurisdiction; investigate economic developments, and the extent and causes of unemployment and its remedies with the view of preparing for the information of the General Assembly such facts as in the Commission's opinion may make further legislation desirable. (iv) Except as provided by Commission regulation, any information published pursuant to this ~~subsection (H)~~ subdivision shall not be published in any manner revealing the identity of the applicant or the employing unit.

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**SECTION 9.** G.S. 110-136.13(a) reads as rewritten:

"(a) For purposes of this section, G.S. 110-136.11, 110-136.12, and ~~110-14-~~~~110-136.14,~~ the term "employer" means employer as is defined at 29 U.S.C. § 203(d) in the Fair Labor Standards Act."

**SECTION 10.** G.S. 143-129.8(b) reads as rewritten:

"(b) Contracts for information technology may be entered into under a request for proposals procedure that satisfies the following minimum requirements:

- (1) Notice of the request for proposals shall be given in accordance with ~~G.S. 143-129(a);~~ G.S. 143-129(b).
- (2) Contracts shall be awarded to the person or entity that submits the best overall proposal as determined by the awarding authority. Factors to be considered in awarding contracts shall be identified in the request for proposals."

**SECTION 11.** G.S. 147-69 reads as rewritten:**"§ 147-69. Deposits of State funds in banks and savings and loan associations regulated.**

Banks and savings and loan associations having State deposits shall furnish to the Auditor of the State, upon ~~his~~the Auditor's request, a statement of the moneys which have been received and paid by them on account of the treasury. The Treasurer shall keep in ~~his~~the Treasurer's office a full account of all moneys deposited in and drawn from all banks and savings and loan associations in which ~~he~~the Treasurer may deposit or cause to be deposited any of the public funds, and ~~such~~these accounts shall be open to the inspection of the Auditor. The Treasurer shall sign all checks, and no depository bank or savings and loan association shall be authorized to pay checks not bearing ~~his~~the Treasurer's official signature. The Treasurer is authorized to use a facsimile signature machine or device in affixing ~~his~~the Treasurer's signature to warrants, checks or any other instrument ~~he~~the Treasurer is required by law to sign. The Commissioner of ~~Banks and Banks,~~ the bank examiners, and ~~the Commissioner of Banks and~~ the savings and loan examiners, when so required by the State Treasurer, shall keep the State Treasurer fully informed at all times as to the condition of all ~~such~~these depository banks and savings and loan associations, so as to fully protect the State from loss. The State Treasurer shall, before making deposits in any bank or savings and loan association, require ample security from the bank or savings and loan association for ~~such~~deposit these deposits."

**SECTION 12.(a)** G.S. 163-278.39B is recodified as G.S. 163-278.38Z under Part 1A of Article 22A of Chapter 163 of the General Statutes, so that the recodified section appears as the first section in Part 1A.

**SECTION 12.(b)** G.S. 163-278.6 reads as rewritten:**"§ 163-278.6. Definitions.**

When used in this Article:

- ...
- (2) The term "broadcasting station" means any commercial radio or television station or community antenna radio or television station. Special definitions of 'radio' and 'television' that apply only in Part 1A of this Article are set forth in G.S. 163-278.38Z.
- ...

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- (4) The term "candidate" means any individual who, with respect to a public office listed in G.S. 163-278.6(18), has filed a notice of candidacy or a petition requesting to be a candidate, or has been certified as a nominee of a political party for a vacancy, has otherwise qualified as a candidate in a manner authorized by law, or has received funds or made payments or has given the consent for anyone else to receive funds or transfer anything of value for the purpose of exploring or bringing about that individual's nomination or election to office. Transferring anything of value includes incurring an obligation to transfer anything of value. Status as a candidate for the purpose of this Article continues if the individual is receiving contributions to repay loans or cover a deficit or is making expenditures to satisfy obligations from an election already held. Special definitions of 'candidate' and 'candidate campaign committee' that apply only in Part 1A of this Article are set forth in G.S. 163-278.38Z.
- (5) The term "communications media" or "media" means broadcasting stations, carrier current stations, newspapers, magazines, periodicals, outdoor advertising facilities, billboards, newspaper inserts, and any person or individual whose business is polling public opinion, analyzing or predicting voter behavior or voter preferences. Special definitions of 'print media,' 'radio,' and 'television' that apply only in Part 1A of this Article are set forth in G.S. 163-278.38Z.
- ...
- (14) The term "political committee" means a combination of two or more individuals, such as any person, committee, association, organization, or other entity that makes, or accepts anything of value to make, contributions or expenditures and has one or more of the following characteristics:
- a. Is controlled by a candidate;
  - b. Is a political party or executive committee of a political party or is controlled by a political party or executive committee of a political party;
  - c. Is created by a corporation, business entity, insurance company, labor union, or professional association pursuant to G.S. 163-278.19(b); or
  - d. Has as a major purpose to support or oppose the nomination or election of one or more clearly identified candidates.
- Supporting or opposing the election of clearly identified candidates includes supporting or opposing the candidates of a clearly identified political party.

An entity is rebuttably presumed to have as a major purpose to support or oppose the nomination or election of one or more clearly identified candidates if it contributes or expends or both contributes and expends during an election cycle more than three thousand dollars (\$3,000). The presumption may be rebutted by showing that the contributions and expenditures giving rise to the presumption were not a major part of activities of the organization during the election cycle. Contributions to referendum committees and expenditures to support or oppose ballot issues shall not be facts considered to give rise to the presumption or otherwise be used in determining whether an entity is a political committee.

If the entity qualifies as a "political committee" under sub-subdivision a., b., c., or d. of this subdivision, it continues to be a political committee if it receives contributions or makes expenditures or maintains assets or liabilities. A political committee ceases to exist when it winds up its operations, disposes of its assets, and files its final report.

Special definitions of 'political action committee' and 'candidate campaign committee' that apply only in Part 1A of this Article are set forth in G.S. 163-278.38Z.

- (15) The term "political party" means any political party organized or operating in this State, whether or not that party is recognized under the provisions of G.S. 163-96. A special definition of 'political party organization' that applies only in Part 1A of this Article is set forth in G.S. 163-278.38Z.

...."

**SECTION 13.(a)** Section 1 of S.L. 2001-37 is repealed.

**SECTION 13.(b)** S.L. 2001-37 is amended by adding a new section

to read:

**"SECTION 1.1.** G.S. 160A-58.1(b)(5) does not apply to the Cities of Marion, Oxford, and Rockingham and the Towns of Calabash, Catawba, Dallas, Godwin, Louisburg, Mocksville, Pembroke, Rutherfordton, and Waynesville."

**SECTION 13.(c)** G.S. 160A-58.1(b)(5), as amended by S.L. 2004-57 and S.L. 2004-99, reads as rewritten:

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

This subdivision does not apply to the Cities of Claremont, Concord, Conover, Gastonia, Hickory, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Rockingham, Sanford, Salisbury, Southport, Statesville, and Washington and the Towns of

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Angier, Bladenboro, Calabash, Catawba, Creswell, Dallas, Fuquay-Varina, Garner, Godwin, Holly Ridge, Holly Springs, Kenly, Knightdale, Leland, Louisburg, Maiden, Mayodan, Midland, Mocksville, Morrisville, Pembroke, Pine Level, Ranlo, Rolesville, Rutherfordton, Swansboro, Troy, Wallace, Warsaw, Waynesville, Wendell, and Zebulon."

**SECTION 13.(d)** G.S. 160A-58.1(b1) is repealed.

## PART II. OTHER CHANGES

**SECTION 14.** G.S. 1-44.2(b) reads as rewritten:

"(b) ~~Persons claiming ownership contrary to the presumption established in this section shall have a period of one year from the date of enactment of this statute or the abandonment of such easement, whichever later occurs, in which to bring any action to establish their ownership.~~ The presumption established by this section is rebuttable by showing that a party has good and valid title to the land."

**SECTION 15.(a)** G.S. 1-47(1) reads as rewritten:

### "§ 1-47. Ten years.

Within ten years an action –

- (1) Upon a judgment or decree of any court of the United States, or of any state or territory thereof, from the date of its ~~rendition~~-entry. No such action may be brought more than once, or have the effect to continue the lien of the original judgment.

...."

**SECTION 15.(b)** G.S. 1-52(8) reads as rewritten:

### "§ 1-52. Three years.

Within three years an action –

...

- (8) For fees due to a clerk, sheriff or other officer, by the judgment of a court; within three years from the ~~rendition~~entry of the judgment, or the issuing of the last execution thereon.

...."

**SECTION 16.** G.S. 7A-16 reads as rewritten:

### "§ 7A-16. Creation and organization.

The Court of Appeals is created effective January 1, 1967. It shall consist initially of six judges, elected by the qualified voters of the State for terms of eight years. The Chief Justice of the Supreme Court shall designate one of the judges as Chief Judge, to serve in such capacity at the pleasure of the Chief Justice. Before entering upon the duties of his office, a judge of the Court of Appeals shall take the oath of office prescribed for a judge of the General Court of Justice.

The Governor on or after July 1, 1967, shall make temporary appointments to the six initial judgeships. The appointees shall serve until January 1, 1969. Their successors shall be elected at the general election for members of the General Assembly in November, 1968, and shall take office on January 1, 1969, to serve for the remainder of the unexpired term which began on January 1, 1967.



Upon the appointment of at least five judges, and the designation of a Chief Judge, the court is authorized to convene, organize, and promulgate, subject to the approval of the Supreme Court, such supplementary rules as it deems necessary and appropriate for the discharge of the judicial business lawfully assigned to it.

Effective January 1, 1969, the number of judges is increased to nine, and the Governor, on or after March 1, 1969, shall make temporary appointments to the additional judgeships thus created. The appointees shall serve until January 1, 1971. Their successors shall be elected at the general election for members of the General Assembly in November, 1970, and shall take office on January 1, 1971, to serve for the remainder of the unexpired term which began on January 1, 1969.

Effective January 1, 1977, the number of judges is increased to 12; and the Governor, on or after July 1, 1977, shall make temporary appointments to the additional judgeships thus created. The appointees shall serve until January 1, 1979. Their successors shall be elected at the general election for members of the General Assembly in November, 1978, and shall take office on January 1, 1979, to serve the remainder of the unexpired term which began on January 1, 1977.

On or after December 15, 2000, the Governor shall appoint three additional judges to increase the number of judges to 15. ~~Each judgeship shall not become effective until the temporary appointment is made, and each appointee shall serve from the date of qualification until January 1, 2005. Those judges' successors shall be elected in the 2004 general election and shall take office on January 1, 2005, to serve terms expiring December 31, 2012.~~

The Court of Appeals shall sit in panels of three judges each. The Chief Judge insofar as practicable shall assign the members to panels in such fashion that each member sits a substantially equal number of times with each other member. He shall preside over the panel of which he is a member, and shall designate the presiding judge of the other panel or panels.

Three judges shall constitute a quorum for the transaction of the business of the court, except as may be provided in ~~§ 7A-32~~ G.S. 7A-32.

In the event the Chief Judge is unable, on account of absence or temporary incapacity, to perform the duties placed upon him as Chief Judge, the Chief Justice shall appoint an acting Chief Judge from the other judges of the Court, to temporarily discharge the duties of Chief Judge."

**SECTION 17.** G.S. 7B-808(b) reads as rewritten:

"(b) The director of the department of social services shall prepare the predisposition report for the court containing the results of any mental health evaluation of a juvenile under G.S. 7B-503, a placement plan, and a treatment plan the director deems appropriate to meet the juvenile's needs."

**SECTION 18.** The catch line of G.S. 8-53.5 reads as rewritten:

"§ 8-53.5. Communications between licensed marital and family therapist and client(s)."

**SECTION 19.(a)** G.S. 14-202.4 reads as rewritten:

"§ 14-202.4. **Taking indecent liberties with a student.**

(a) If a defendant, who is a teacher, school administrator, student teacher, school safety officer, or coach, at any age, or who is other school personnel and is at least four years older than the victim, takes indecent liberties with a victim who is a

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student, at any time during or after the time the defendant and victim were present together in the same school but before the victim ceases to be a student, the defendant is guilty of a Class I felony, unless the conduct is covered under some other provision of law providing for greater punishment. ~~The term "same school" means a school at which the student is enrolled and the defendant is employed, assigned, or volunteers.~~ A person is not guilty of taking indecent liberties with a student if the person is lawfully married to the student.

(b) If a defendant, who is school personnel, other than a teacher, school administrator, student teacher, school safety officer, or coach, and who is less than four years older than the victim, takes indecent liberties with a student as provided in subsection (a) of this section, the defendant is guilty of a Class A1 misdemeanor.

(c) Consent is not a defense to a charge under this section.

(d) For purposes of this section, the following definitions apply:

(1) "Indecent liberties" means:

- a. Willfully taking or attempting to take any immoral, improper, or indecent liberties with a student for the purpose of arousing or gratifying sexual desire; or
- b. Willfully committing or attempting to commit any lewd or lascivious act upon or with the body or any part or member of the body of a student.

For purposes of this section, the term indecent liberties does not include vaginal intercourse or a sexual act as defined by G.S. 14-27.1.

(1a) "Same school" means a school at which (i) the student is enrolled or is present for a school-sponsored or school-related activity and (ii) the school personnel is employed, volunteers, or is present for a school-sponsored or school-related activity.

(2) "School" means any public school, charter school, or nonpublic school under Parts 1 and 2 of Article 39 of Chapter 115C of the General Statutes.

(3) "School personnel" means any person included in the definition contained in G.S. 115C-332(a)(2), and any person who volunteers at a school or a school-sponsored activity.

(3a) "School safety officer" means any other person who is regularly present in a school for the purpose of promoting and maintaining safe and orderly schools and includes a school resource officer.

(4) "Student" means a person enrolled in kindergarten, or in grade one through grade 12 in any school."

**SECTION 19.(b)** This section becomes effective December 1, 2004, and applies to offenses committed on or after that date.

**SECTION 20.(a)** G.S. 14-298 reads as rewritten:

**"§ 14-298. ~~Gaming tables, illegal punchboards, slot machines, and prohibited video game machines to be destroyed by police officers.~~ Seizure of illegal gaming items.**

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~~(a) All sheriffs and officers of police are hereby authorized and directed, on information made to them on oath, to destroy the same by every means in their power; and they shall call to their aid all the good citizens of the county, if necessary, to effect its destruction.~~  
Any law enforcement officer may seize that any gaming table prohibited to be used by G.S. 14-289 through G.S. 14-300, any illegal punchboard or illegal slot machine, or any video game machine prohibited to be used by G.S. 14-306 or G.S. 14-306.1, that is in the possession or use of any person within the limits of their jurisdiction, jurisdiction when probable cause exists as to the unlawful possession or use, to destroy the same by every means in their power; and they shall call to their aid all the good citizens of the county, if necessary, to effect its destruction.

(b) Any law enforcement agency in possession of an item seized pursuant to subsection (a) of this section shall retain the item pending a disposition order from a district or superior court judge.

(c) At the conclusion of any criminal proceeding regarding an item seized, upon application by the law enforcement agency, district attorney, or owner of the seized item, and after notice and opportunity to be heard by all parties, if the court finds that either of the following occurred or existed at the time the item was seized, the court shall enter an order releasing the item to the law enforcement agency to be destroyed or used for training purposes:

- (1) The item was unlawfully possessed.
- (2) The item was being unlawfully used with the knowledge of the owner of the item.

If the court does not find that either condition occurred or existed at the time the item was seized, the item shall be ordered released to its owner upon satisfactory proof of ownership."

**SECTION 20.(b)** This section becomes effective October 1, 2004. If Section 3 of Senate Bill 6, 2003 Regular Session, becomes law, this section is repealed.

**SECTION 21.** G.S. 14-401.5 is repealed.

**SECTION 22.** G.S. 15-190 reads as rewritten:

**"§ 15-190. Person or persons to be designated by warden to execute sentence; supervision of execution; who shall be present.**

Some guard or guards or other reliable person or persons to be named and designated by the warden from time to time shall cause the person, convict or felon against whom the death sentence has been so pronounced to be executed as provided by this Article and all amendments thereto. The execution shall be under the general supervision and control of the warden of the penitentiary, who shall from time to time, in writing, name and designate the guard or guards or other reliable person or persons who shall cause the person, convict or felon against whom the death sentence has been pronounced to be executed as provided by this Article and all amendments thereto. At such execution there shall be present the warden or deputy warden or some person designated by the warden in the warden's place, and the surgeon or physician of the penitentiary. Four respectable citizens, two members of the victim's family, the counsel and any relatives of such person, convict or felon and a minister or member of the clergy or religious leader of the person's choosing may be present if they so desire. The names of persons designated to carry out the execution shall be confidential and exempted under Chapter 132 of the General

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Statutes and are not subject to discovery or introduction as evidence in any proceeding. The Senior Resident Superior Court Judge for Wake County may compel disclosure of names made confidential by this section after making findings that support a conclusion that disclosure is necessary to a proper administration of justice."

**SECTION 23.** G.S. 18B-101(7a) reads as rewritten:

**"§ 18B-101. Definitions.**

As used in this Chapter, unless the context requires otherwise:

....

- (7a) "Historic ABC establishment" means a restaurant or hotel that meets all of the following requirements:
- a. Is on the national register of historic ~~places~~places or located within a State historic district.
  - b. Is a property designed to attract local, State, national, and international tourists located on a State Route (SR) and with a property line located within 1.5 miles of the intersection of a designated North Carolina scenic byway as defined in G.S. 136-18(31).
  - c. Is located within 15 miles of a national scenic highway.
  - d. Is located in a county in which the on-premises sale of malt beverages or unfortified wine is authorized in two or more cities in the county.

...."

**SECTION 24.** G.S. 18B-600(f) reads as rewritten:

"(f) Township Elections. – An election may be called on any of the propositions listed in G.S. 18B-602 in any township located within:

- (1) A county where ABC stores have heretofore been established by petition pursuant to law.
- (2) A county where ABC stores have been established pursuant to law, in which county according to data from the North Carolina Department of Commerce: (i) one-third or more of the employment is travel related, (ii) spending on travel exceeds four hundred million dollars (\$400,000,000) per year, and where the entirety of two townships consists of one island (and several smaller islands not making up more than one percent (1%) of the total land area of the two townships) where that island:
  - a. Has a population of 4,000 or over according to the most recent decennial federal census;
  - b. Is located with one side facing the ocean and another side facing a coastal sound.
- (~~3~~) ~~A county where the population of all cities in the county that have previously approved the sale of any kind of alcoholic beverages comprises more than twenty percent (20%) of the total county population as of the most recent federal census.~~

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An election may be called on any of the propositions listed in G.S. 18B-602(a), (d), and (h) in any township located within a county where the population of all cities in the county that have previously approved the sale of any kind of alcoholic beverages comprises more than twenty percent (20%) of the total county population as of the most recent federal census. In the case of subdivision (2) of this section, an election may be called in the two townships voting together on the proposition contained in G.S. 18B-602(h).

The election shall be held by the county board of elections upon request of the county board of commissioners or upon petition of twenty-five percent (25%) of the registered voters of the township, or in the case of subdivision (2) of this section, of the two townships taken together. The election shall be conducted and the results determined in the same manner as county elections held under this Article. For purposes of this Article, townships holding any election under this subsection shall be treated on the same basis as counties, and municipalities located within those townships shall be treated on the same basis as cities. In the case of an election under subdivision (2) of this subsection, the votes of the two townships counted together shall determine the result of the election.

For purposes of this subsection, the name and boundary of a township is as it is shown on the Redistricting Census 2000 TIGER Files with modifications made by the Legislative Services Office on its computer database as of May 1, 2001.

In any township election held under this subsection, the area within any incorporated municipality is excluded, and no permits may be issued under this subsection in any excluded area.

In order for an establishment to qualify for a permit under this subsection, the establishment's gross receipts from food and nonalcoholic beverages shall be greater than its gross receipts from alcoholic beverages."

**SECTION 25.(a)** G.S. 18B-900(a) reads as rewritten:

"(a) Requirements. – To be eligible to receive and to hold an ABC permit, a person shall:

...

- (6) Not have had an alcoholic beverage permit revoked within three ~~years~~ years, except where the revocation was based solely on a permittee's failure to pay the annual registration and inspection fee required in G.S. 18B-903(b1)."

**SECTION 25.(b)** G.S. 18B-903(b1) reads as rewritten:

"(b1)Registration. – Each person holding a malt beverage, fortified wine, or unfortified wine permit issued pursuant to G.S. 18B-902(d)(1) through G.S. 18B-902(d)(6) shall register by May 1 of each year on a form provided by the Commission, in order to provide information needed by the State in enforcing this Chapter and to support the costs of that enforcement. The registration required by this subsection shall be accompanied by an annual registration and inspection fee of two hundred dollars (\$200.00) for each permit held. The fee shall be paid by May 1 of each year. A registration fee shall not be refundable. Failure to pay the annual registration and inspection fee shall result in revocation of the permit."

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**SECTION 26.(a)** G.S. 18B-1001.1(b) reads as rewritten:

"(b) A wine shipper permittee that ships to addresses in the State more than 1,000 cases of wine in a calendar year must appoint at least one wholesaler to offer and sell the products of the wine shipper permittee under Article 12 of this Chapter if the wine shipper permittee is contacted by a wholesaler that wishes to sell the products of the wine shipper permittee. This provision shall not be construed to require the wine shipper permittee to appoint the wholesaler that originally contacted the wine shipper permittee. Wine purchased by a resident of the State at the premises of the wine shipper permittee and shipped to an address in the State under G.S. ~~18B-109(b)~~18B-109(d) shall not be included in calculating the total of 1,000 cases per year."

**SECTION 26.(b)** This section is effective on or after October 1, 2003.

**SECTION 27.** G.S. 18B-1006(j)(4) is repealed.

**SECTION 28.** G.S. 18B-1006(m) reads as rewritten:

"(m) Interstate Interchange Economic Development Zones. –

- (1) The Commission may issue permits listed in G.S. 18B-1001(10), without approval at an election, to qualified establishments defined in G.S. 18B-1000(4), (6), and (8) located within one mile of an interstate highway interchange located in a county that:
  - a. Has approved the sale of malt beverages, unfortified wine, and fortified wine, but not mixed beverages;
  - b. Operates ABC stores;
  - c. Borders on another state; and
  - d. Lies north and east of the Roanoke River.
- (2) The Commission may issue permits listed in G.S. 18B-1001(1), (3), (5), and (10) to qualified establishments defined in G.S. 18B-1000(4), (6), and (8) and may issue permits listed in G.S. 18B-1001(2) and (4) to qualified establishments defined in G.S. 18B-1000(3) in any county that qualifies for issuance of permits pursuant to G.S. 18B-1006(k)(5). These permits may be issued without approval at an election and shall be issued only to qualified establishments that meet any of the following requirements:
  - a. Located within one mile of any interstate highway interchange in that county.
  - b. Located within one mile of an establishment issued a permit under G.S. 18B-1006(k)(5).
- ~~(3) The Commission may issue permits listed in G.S. 18B-1001(10), without approval at an election, to qualified establishments defined in G.S. 18B-1000(4), (6), and (8) located within one mile of an interstate highway interchange located in a county that meets all of the following requirements:~~
  - ~~a. Has approved the sale of malt beverages, unfortified wine, fortified wine, but not mixed beverages.~~

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- b. ~~Contains one city that has approved the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages.~~
- e. ~~Operates ABC stores.~~
- d. ~~Lies south and west of the Roanoke River and shares a common border with a county qualifying in subdivision (1) of this subsection.~~

~~This subsection shall also apply to an establishment in a county included in subdivision (3) of this subsection if the establishment is located within two miles of an interstate highway interchange that is within three miles of the common border described in sub-subdivision (3)d. of this subsection."~~

**SECTION 29.** G.S. 18B-1104(7) reads as rewritten:

"(7) In areas where the sale is legal, sell the brewery's malt beverages at the brewery upon receiving a permit under G.S. 18B-1001(1). The brewery also may obtain a malt beverage wholesaler permit to sell, deliver, and ship at wholesale only malt beverages manufactured by the brewery. The authorization of this subdivision applies to a brewery that sells, to consumers at the brewery, to wholesalers, to retailers, and to exporters, fewer than 310,000 gallons of malt beverages produced by it per year. A brewery not exceeding the sales quantity limitations in this subdivision may also sell the malt beverages manufactured by the brewery at not more than three other locations in the State upon obtaining the appropriate permits under G.S. 18B-1001. A brewery operating any additional retail location pursuant to this subdivision shall also offer for sale at that location a reasonable selection of competitive malt beverage products."

**SECTION 30.** G.S. 30-3.6(c) reads as rewritten:

"(c) A written waiver that would have been effective to waive a spouse's right to dissent in estates of decedents dying on or before December 31, 2000, under Article 1 of Chapter 30 of the General Statutes is effective to waive that spouse's right of elective share under this Article for estates of ~~decedent's~~ decedents dying on or after January 1, 2001."

**SECTION 31.(a)** G.S. 35A-1213(b) reads as rewritten:

"(b) ~~An individual appointed as general guardian or guardian of the estate must be a resident of the State of North Carolina.~~ A nonresident of the State of North Carolina, to be appointed as general guardian, guardian of the person, person, or guardian of the estate of a North Carolina resident, must indicate in writing his willingness to submit to the jurisdiction of the North Carolina courts in matters relating to the guardianship and must appoint a resident agent to accept service of process for the guardian in all actions or proceedings with respect to the guardianship. Such appointment must be approved by and filed with the clerk, and any agent so appointed must notify the clerk of any change in the agent's address or legal residence. The clerk ~~may~~ shall require a nonresident guardian of the estate or a nonresident general guardian to post a bond or other security for the faithful performance of the guardian's duties. The clerk may require a nonresident guardian of the person to post a bond or other security for the faithful performance of the guardian's duties."

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**SECTION 31.(b)** G.S. 35A-1290(c) reads as rewritten:

"(c) It is the clerk's duty to remove a ~~guardian~~ guardian or to take other action sufficient to protect the ward's interests in the following cases:

- (1) The guardian has been adjudged incompetent by a court of competent jurisdiction and has not been restored to competence.
- (2) The guardian has been convicted of a felony under the laws of the United States or of any state or territory of the United States or of the District of Columbia and his citizenship has not been restored.
- (3) The guardian was originally unqualified for appointment and continues to be unqualified, or the guardian would no longer qualify for appointment as guardian due to a change in residence, a change in the charter of a corporate guardian, or any other reason.
- (4) The guardian is the ward's spouse and has lost his rights as provided by Chapter 31A of the General Statutes.
- (5) The guardian fails to post, renew, or increase a bond as required by law or by order of the court.
- (6) The guardian refuses or fails without justification to obey any citation, notice, or process served on him in regard to the guardianship.
- (7) The guardian fails to file required accountings with the clerk.
- (8) The clerk finds the guardian unsuitable to continue serving as guardian for any reason.
- (9) The guardian is a nonresident of the State and refuses or fails to obey any citation, notice, or process served on the guardian or the guardian's process agent."

**SECTION 31.(c)** G.S. 35A-1291 reads as rewritten:

"§ 35A-1291. ~~Interlocutory~~ **Emergency removal; interlocutory orders on revocation.**

The clerk may remove a guardian without hearing if the clerk finds reasonable cause to believe that an emergency exists that threatens the physical well-being of the ward or constitutes a risk of substantial injury to the ward's estate. In all cases where the letters of a guardian are revoked, the clerk may, pending the resolution of any controversy in respect to such removal, make such interlocutory orders and decrees as the clerk finds necessary for the protection of the ward or the ward's estate or the other party seeking relief by such revocation."

**SECTION 32.(a)** G.S.40A-3(b) reads as rewritten:

"(b) Local Public ~~Condemners~~ **Condemners – Standard Provision.** – For the public use or benefit, the governing body of each municipality or county shall possess the power of eminent domain and may acquire by purchase, gift or condemnation any property, either inside or outside its boundaries, for the following purposes.

- (1) Opening, widening, extending, or improving roads, streets, alleys, and sidewalks. The authority contained in this subsection is in addition to the authority to acquire rights-of-way for streets, sidewalks and highways under Article 9 of Chapter 136. The provisions of this subdivision (1) shall not apply to counties.

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- (2) Establishing, extending, enlarging, or improving any of the public enterprises listed in G.S. 160A-311 for cities, or G.S. 153A-274 for counties.
- (3) Establishing, enlarging, or improving parks, playgrounds, and other recreational facilities.
- (4) Establishing, extending, enlarging, or improving storm sewer and drainage systems and works, or sewer and septic tank lines and systems.
- (5) Establishing, enlarging, or improving hospital facilities, cemeteries, or library facilities.
- (6) Constructing, enlarging, or improving city halls, fire stations, office buildings, courthouse jails and other buildings for use by any department, board, commission or agency.
- (7) Establishing drainage programs and programs to prevent obstructions to the natural flow of streams, creeks and natural water channels or improving drainage facilities. The authority contained in this subdivision is in addition to any authority contained in Chapter 156.
- (8) Acquiring designated historic properties, designated as such before October 1, 1989, or acquiring a designated landmark designated as such on or after October 1, 1989, for which an application has been made for a certificate of appropriateness for demolition, in pursuance of the purposes of G.S. 160A-399.3, Chapter 160A, Article 19, Part 3B, effective until October 1, 1989, or G.S. 160A-400.14, whichever is appropriate.
- (9) Opening, widening, extending, or improving public wharves.

The board of education of any municipality or county or a combined board may exercise the power of eminent domain under this Chapter for purposes authorized by other statutes.

The power of eminent domain shall be exercised by local public condemnors under the procedures of Article 3 of this Chapter."

**SECTION 32.(b)** G.S. 40A-3(b1) reads as rewritten:

"(b1) ~~Local Public Condemners.~~ Condemners – Modified Provision for Certain Localities. – For the public use or benefit, the governing body of each municipality or county shall possess the power of eminent domain and may acquire by purchase, gift or condemnation any property or interest therein, either inside or outside its boundaries, for the following purposes.

- (1) Opening, widening, extending, or improving roads, streets, alleys, and sidewalks. The authority contained in this subsection is in addition to the authority to acquire rights-of-way for streets, sidewalks and highways under Article 9 of Chapter 136. The provisions of this subdivision (1) shall not apply to counties.
- (2) Establishing, extending, enlarging, or improving any of the public enterprises listed in G.S. 160A-311 for cities, or G.S. 153A-274 for counties.

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- (3) Establishing, enlarging, or improving parks, playgrounds, and other recreational facilities.
- (4) Establishing, extending, enlarging, or improving storm sewer and drainage systems and works, or sewer and septic tank lines and systems.
- (5) Establishing, enlarging, or improving hospital facilities, cemeteries, or library facilities.
- (6) Constructing, enlarging, or improving city halls, fire stations, office buildings, courthouse jails and other buildings for use by any department, board, commission or agency.
- (7) Establishing drainage programs and programs to prevent obstructions to the natural flow of streams, creeks and natural water channels or improving drainage facilities. The authority contained in this subdivision is in addition to any authority contained in Chapter 156.
- (8) Acquiring designated historic properties, designated as such before October 1, 1989, or acquiring a designated landmark designated as such on or after October 1, 1989, for which an application has been made for a certificate of appropriateness for demolition, in pursuance of the purposes of G.S. 160A-399.3, Chapter 160A, Article 19, Part 3B, effective until October 1, 1989, or G.S. 160A-400.14, whichever is appropriate.
- (9) Opening, widening, extending, or improving public wharves.
- (10) Engaging in or participating with other governmental entities in acquiring, constructing, reconstructing, extending, or otherwise building or improving beach erosion control or flood and hurricane protection works, including, but not limited to, the acquisition of any property that may be required as a source for beach renourishment.
- (11) Establishing access for the public to public trust beaches and appurtenant parking areas.

The board of education of any municipality or county or a combined board may exercise the power of eminent domain under this Chapter for purposes authorized by other statutes.

The power of eminent domain shall be exercised by local public condemnors under the procedures of Article 3 of this chapter.

This subsection applies only to Carteret and Dare Counties, the Towns of Atlantic Beach, Carolina Beach, Caswell Beach, Emerald Isle, Holden Beach, Indian Beach, Kill Devil Hills, Kitty Hawk, Kure Beach, Nags Head, North Topsail Beach, Oak Island, Ocean Isle Beach, Pine Knoll Shores, Sunset Beach, Surf City, Topsail Beach, and Wrightsville Beach, and the Village of Bald Head Island."

**SECTION 33.** G.S. 40A-42(a) reads as rewritten:

- "(a) (1) Standard Provision. – When a local public condemnor is acquiring property by condemnation for a purpose set out in G.S. 40A-3(b)(1), (4) or (7), or when a city is acquiring property for a purpose set out in G.S. 160A-311(1), (2), (3),

(4), (6), or (7), or when a county is acquiring property for a purpose set out in G.S. 153A-274(1), (2) or (3), or when a local board of education or any combination of local boards of education is acquiring property for any purpose set forth in G.S. 115C-517, or when a condemnor is acquiring property by condemnation as authorized by G.S. 40A-3(c)(8), (9), (10), (12), or (13), title to the property and the right to immediate possession shall vest pursuant to this subsection. Unless an action for injunctive relief has been initiated, title to the property specified in the complaint, together with the right to immediate possession thereof, shall vest in the condemnor upon the filing of the complaint and the making of the deposit in accordance with G.S. 40A-41.

- (2) Modified Provision for Certain Localities. – When a local public condemnor is acquiring property by condemnation for a purpose set out in G.S. 40A-3(b1)(1), (4), (7), (10), or (11), or when a city is acquiring property for a purpose set out in G.S. 160A-311(1), (2), (3), (4), (6), or (7), or when a county is acquiring property for a purpose set out in G.S. 153A-274(1), (2) or (3), or when a local board of education or any combination of local boards of education is acquiring property for any purpose set forth in G.S. 115C-517, or when a condemnor is acquiring property by condemnation as authorized by G.S. 40A-3(c)(8), (9), (10), (12), or (13), title to the property and the right to immediate possession shall vest pursuant to this subsection. Unless an action for injunctive relief has been initiated, title to the property specified in the complaint, together with the right to immediate possession thereof, shall vest in the condemnor upon the filing of the complaint and the making of the deposit in accordance with G.S. 40A-41.

This subdivision applies only to Carteret and Dare Counties, the Towns of Atlantic Beach, Carolina Beach, Caswell Beach, Emerald Isle, Holden Beach, Indian Beach, Kill Devil Hills, Kitty Hawk, Kure Beach, Nags Head, North Topsail Beach, Oak Island, Ocean Isle Beach, Pine Knoll Shores, Sunset Beach, Surf City, Topsail Beach, and Wrightsville Beach, and the Village of Bald Head Island."

**SECTION 34.(a)** G.S. 50B-3.1(h) reads as rewritten:

"(h) Disposal of Firearms. – If the defendant does not file a motion requesting the return of any firearms, ammunition, or permits surrendered within the time period prescribed by this section, if the court determines that the defendant is precluded from regaining possession of any firearms, ammunition, or permits surrendered, or if the defendant or third-party owner fails to remit all fees owed for the storage of the firearms or ammunition within 30 days of the entry of the order granting the return of the firearms, ammunition, or permits, the sheriff who has control of the firearms, ammunition, or permits shall give notice to the defendant,

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and the sheriff shall apply to the court for an order of disposition of the firearms, ammunition, or permits. The judge, after a hearing, may order the disposition of the firearms, ammunition, or permits in one or more of the ways authorized by law, including subdivision (4), (4a), (5), or (6) of G.S. 14-269.1. If a sale by the sheriff does occur, any proceeds from the sale after deducting any costs associated with the sale, and in accordance with all applicable State and federal law, shall be provided to the defendant, if requested by the defendant by motion made before the hearing or at the hearing and if ordered by the judge."

**SECTION 34.(b)** This section becomes effective December 1, 2004, and applies to offenses committed on or after that date.

**SECTION 35.(a)** G.S. 54B-266(1) is repealed.

**SECTION 35.(b)** G.S. 54C-200(1) is repealed.

**SECTION 36.** G.S. 58-64-33(a) reads as rewritten:

"(a) A provider shall maintain after the opening of a facility: an operating reserve equal to fifty percent (50%) of the total operating costs of the facility forecasted for the 12-month period following the period covered by the most recent disclosure statement filed with the Department. The forecast statements as required by G.S. 58-64-20(a)(12) shall serve as the basis for computing the operating reserve. In addition to total operating expenses, total operating costs will include debt service, consisting of principal and interest payments along with taxes and insurance on any mortgage loan or other long-term financing, but will exclude depreciation, amortized expenses, and extraordinary items as approved by the Commissioner. If the debt service portion is accounted for by way of another reserve account, the debt service portion may be excluded. If a facility maintains an occupancy level in excess of ninety percent (90%), a provider shall only be required to maintain a twenty-five percent (25%) operating reserve upon approval of the Commissioner, unless otherwise instructed by the Commissioner. The operating reserve ~~must~~ may be funded by cash, by ~~cash equivalents, invested cash,~~ or by investment grade securities, including bonds, stocks, U.S. Treasury obligations, or obligations of U.S. government agencies."

**SECTION 37.(a)** G.S. 62-3(23) reads as rewritten:

"(23) a. "Public utility" means a person, whether organized under the laws of this State or under the laws of any other state or country, now or hereafter owning or operating in this State equipment or facilities for:

...

- i. The term "public utility" shall not include the State, the Office of ~~the State Controller,~~ Information Technology Services, or the Microelectronics Center of North Carolina in the provision or sharing of switched broadband telecommunications services with non-State entities or organizations of the kind or type set forth in G.S. 143B-426.39.

...."

**SECTION 37.(b)** G.S. 147-33.92 reads as rewritten:

"§ 147-33.92. **Telecommunications services for local governmental ~~units~~ entities and other entities.**

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(a) The State Chief Information Officer shall provide cities, counties, and other local governmental ~~units-entities~~ with access to a central telecommunications system or service established under G.S. 147-33.91 for State agencies. Access shall be provided on the same cost basis that applies to State agencies.

(b) The State Chief Information Officer shall establish switched broadband telecommunications services and ~~permit~~permit, in addition to State agencies, cities, counties, and other local government ~~units, entities,~~ the following organizations and entities to share on a not-for-profit basis:

- (1) Nonprofit educational institutions.
- (2) MCNC.
- (3) Research affiliates of MCNC for use only in connection with research activities sponsored or funded, in whole or in part, by MCNC, if such research activities relate to health care or education in North Carolina.
- (4) Agencies of the United States government operating in North Carolina for use only in connection with activities that relate to health care or education in North Carolina.
- (5) Hospitals, clinics, and other health care facilities for use only in connection with activities that relate to health care or education in North Carolina.

Provided, however, that sharing of the switched broadband telecommunications services by State agencies with entities or organizations in the categories set forth in this subsection shall not cause the State, the Office of Information Technology Services, or the MCNC to be classified as a public utility as that term is defined in G.S. 62-3(23)a.6. Nor shall the State, the Office of Information Technology Services, or the MCNC engage in any activities that may cause those entities to be classified as a common carrier as that term is defined in the Communications Act of 1934, 47 U.S.C. § 153(h). ~~47 U.S.C. § 153(10).~~ Provided further, authority to share the switched broadband telecommunications services with the non-State agencies set forth in subdivisions (1) through (5) of this subsection shall terminate one year from the effective date of a tariff that makes the broadband services available to any customer."

**SECTION 38.** Article 4 of Chapter 72 of the General Statutes is repealed.

**SECTION 39.(a)** G.S. 95-138 reads as rewritten:

**"§ 95-138. Civil penalties.**

(a) ~~Any employer who willfully or repeatedly violates the requirements of this Article, any standard, rule or order promulgated pursuant to this Article, or regulations prescribed pursuant to this Article, may upon the recommendation of the Director to the Commissioner be assessed by the Commissioner a civil penalty of not more than seventy thousand dollars (\$70,000) and not less than five thousand dollars (\$5,000) for each willful violation. Any employer who has received a citation for a serious violation of the requirements of this Article or any standard, rule, or order promulgated under this Article or of any regulation prescribed pursuant to this Article, shall be assessed by the Commissioner a civil penalty of up to seven thousand dollars (\$7,000) for each serious violation. If the violation is adjudged not to be of a serious nature, then the employer may be assessed a civil penalty of up to~~

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~~seven thousand dollars (\$7,000) for each nonserious violation. Any employer who fails to correct a violation for which a citation has been issued under this Article within the period allowed for its correction (which period shall not begin to run until the date of the final order of the Board in the case of any appeal proceedings in this Article initiated by the employer in good faith and not solely for the delay or avoidance of penalties), may be assessed a civil penalty of not more than seven thousand dollars (\$7,000). The assessment shall be made to apply to each day during which the failure or violation continues. Any employer who violates any of the posting requirements, as prescribed under the provision[s] of this Article, shall be assessed a civil penalty of not more than seven thousand dollars (\$7,000) for the violation. The Commissioner upon recommendation of the Director, or the Board in case of an appeal, shall have authority to assess all civil penalties provided by this Article, giving due consideration to the appropriateness of the penalty with respect to the following factors:~~

- ~~(1) Size of the business of the employer being charged,~~
- ~~(2) The gravity of the violation,~~
- ~~(3) The good faith of the employer, and~~
- ~~(4) The record of previous violations; provided that for purposes of determining repeat violations, only the record within the previous three years is applicable.~~

~~The Commissioner shall adopt uniform standards which the Commissioner, the Board, and the hearing examiner shall apply when considering the four factors for determining appropriateness of the penalty. The report of the hearing examiner and the report, decision, or determination of the Board on appeal shall specify the standards applied in determining the reduction or affirmation of the penalty assessed by the Commissioner.~~

~~(b) The clear proceeds of all civil penalties and interest recovered by the Commissioner, together with the costs thereof, shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C 457.2.~~

~~(a) The Commissioner, upon recommendation of the Director, may assess penalties against any employer who violates the requirements of this Article, or any standard, rule, or order promulgated pursuant to this Article, as follows:~~

- ~~(1) A minimum penalty of five thousand dollars (\$5,000) to a maximum penalty of seventy thousand dollars (\$70,000) for each willful or repeat violation.~~
- ~~(2) A maximum penalty of seven thousand dollars (\$7,000) for each nonserious or serious violation.~~
- ~~(3) A maximum penalty of seven thousand dollars (\$7,000) for each day that an employer fails to correct and abate a violation, within the period allowed for its correction and abatement, which period shall not begin to run until the date of the final Order of the Board in the case of any appeal proceedings in this Article initiated by the employer in good faith and not solely for the delay of avoidance of penalties.~~
- ~~(4) A maximum penalty of seven thousand dollars (\$7,000) for violating the posting requirements, as required under the provisions of this Article.~~

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(b) The Commissioner shall adopt uniform standards that the Commissioner, the Board, and the hearing examiner shall apply when determining appropriateness of the penalty. The following factors shall be used in determining whether a penalty is appropriate:

- (1) Size of the business of the employer being charged.
- (2) The gravity of the violation.
- (3) The good faith of the employer.
- (4) The record of previous violations; provided that for purposes of determining repeat violations, only the record within the previous three years is applicable.

The report of the hearing examiner and the report, decision, or determination of the Board on appeal shall specify the standards applied in determining the reduction or affirmation of the penalty assessed by the Commissioner.

(c) The clear proceeds of all civil penalties and interest recovered by the Commissioner, together with the costs thereof, shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

**SECTION 39.(b)** This section is effective October 1, 2004, and applies to violations occurring on or after that date.

**SECTION 40.** G.S. 105-129.6(b) reads as rewritten:

"(b) Reports. – The Department of Revenue shall publish by ~~March~~ April 1 of each year the following information itemized by credit and by taxpayer for the 12-month period ending the preceding December 31:

...."

**SECTION 41.** G.S. 108A-25 is amended by adding a new subsection to read:

"(d) Each Community Care network organization designated by the Department of Health and Human Services as responsible for coordinating the health care of individuals eligible for medical assistance in a county is hereby deemed to be a public agency that is a local unit of government for the sole and limited purpose of all grants-in-aid, public assistance grant programs, and other funding programs."

**SECTION 42.** G.S. 110-139.2(b1) reads as rewritten:

"(b1) The Department of Health and Human Services Child Support Enforcement Agency may notify any financial institution doing business in this State that an obligor who maintains an identified account with the financial institution has a delinquent child support obligation that may be eligible for levy on the account in an amount that satisfies some or all of the delinquency. In order to be able to attach a lien on and levy an obligor's account, the obligor's child support obligation shall be in arrears in an amount not less than the amount of support owed for six months or one thousand dollars (\$1,000), whichever is less.

Upon certification of the arrears amount in accordance with G.S. 44-86(c), the Child Support Agency shall serve or cause to be served upon the obligor and the financial institution a notice as provided by this subsection. The notice shall be served in any manner provided in Rule 4 of the North Carolina Rules of Civil ~~Procedure and Procedure~~, except that a notice may be served on a financial institution in any other manner that the financial institution has agreed to in writing at any time prior to the time the notice is sent. The notice shall include the name of the obligor, the financial institution where the account is located, the account number

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of the account to be levied to satisfy the lien, the certified arrears amount, information for the obligor on how to remove the lien or contest the lien in order to avoid the levy, and a copy of the applicable law, G.S. 110-139.2. Upon service of the notice, the financial institution shall proceed in the following manner:

- (1) Immediately attach a lien to the identified account.
- (2) Notify the Child Support Agency of the balance of the account and date of the lien or that the account does not meet the requirement for levy under this subsection.

In order for an obligor to contest the lien, within 10 days after the obligor is served with the notice, the obligor shall send written notice of the basis of the obligor's contest to the Child Support Agency and shall request a hearing before the district court in the county where the support order was entered. The lien may be contested only on the basis that the arrearage is an amount less than the amount of support owed for six months, or is less than one thousand dollars (\$1,000), or the obligor is not the person subject to the court order of support. The district court may assess court costs against the nonprevailing party. If no response is received from the obligor within 10 days of the service of the notice, the Child Support Agency shall notify the financial institution to submit payment, up to the total amount of the child support arrears, if available. This amount is to be applied to the debt of the delinquent obligor.

A financial institution shall not be liable to any person for complying in good faith with this subsection.

This levy procedure is to be available for direct use by all states' child support programs to financial institutions in this State."

**SECTION 43.** G.S. 113A-115.1(b) reads as rewritten:

"(b) No person shall construct a permanent erosion control structure in an ocean shoreline. The Commission shall not permit the construction of a temporary erosion control structure that consists of anything other than sandbags in an ocean shoreline. This section shall not apply to (i) any permanent erosion control structure that is approved pursuant to an exception set out in a rule adopted by the Commission prior to 1 July 2003 or (ii) any permanent erosion control structure that was originally constructed prior to 1 July 1974 and that has since been in continuous use to protect an inlet that is maintained for navigation. This section shall not be construed to limit the authority of the Commission to adopt rules to designate or protect areas of environmental concern, to govern the use of sandbags, or to govern the use of erosion ~~coastal-control~~ structures in estuarine shorelines."

**SECTION 44.** G.S. 115C-84.2(d) reads as rewritten:

"(d) Opening and Closing Dates. – Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. Different opening and closing dates may be fixed for schools in the same administrative unit.

~~Local boards and individual schools shall give teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking vacation leave on days scheduled in accordance with subdivision (4) or (5) of this subsection. A teacher may elect to waive this notice requirement for one or more such days."~~

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**SECTION 45.(a)** G.S. 115C-238.29D(d) reads as rewritten:

"(d) The State Board of Education may grant the initial charter for a period not to exceed ~~five-10~~ years and may renew the charter upon the request of the chartering entity for subsequent periods not to exceed ~~five-10~~ years each. The State Board of Education shall review the operations of each charter school at least once every five years to ensure that the school is meeting the expected academic, financial, and governance standards.

A material revision of the provisions of a charter application shall be made only upon the approval of the State Board of Education.

It shall not be considered a material revision of a charter application and shall not require the prior approval of the State Board for a charter school to increase its enrollment during the charter school's second year of operation and annually thereafter (i) by up to ten percent (10%) of the school's previous year's enrollment or (ii) in accordance with planned growth as authorized in the charter. Other enrollment growth shall be considered a material revision of the charter application, and the State Board may approve such additional enrollment growth of greater than ten percent (10%) only if the State Board finds that:

- (1) The actual enrollment of the charter school is within ten percent (10%) of its maximum authorized enrollment;
- (2) The charter school has commitments for ninety percent (90%) of the requested maximum growth;
- (3) The board of education of the local school administrative unit in which the charter school is located has had an opportunity to be heard by the State Board of Education on any adverse impact the proposed growth would have on the unit's ability to provide a sound basic education to its students;
- (4) The charter school is not currently identified as low-performing;
- (5) The charter school meets generally accepted standards of fiscal management; and
- (6) It is otherwise appropriate to approve the enrollment growth."

**SECTION 45.(b)** G.S. 115C-238.29F(e)(1) reads as rewritten:

"(1) An employee of a charter school is not an employee of the local school administrative unit in which the charter school is located. The charter school's board of directors shall employ and contract with necessary teachers to perform the particular service for which they are employed in the school; at least seventy-five percent (75%) of these teachers in grades kindergarten through five, at least fifty percent (50%) of these teachers in grades six through eight, and at least fifty percent (50%) of these teachers in grades nine through 12 shall hold teacher certificates. All teachers in grades six through 12 who are teaching in the core subject areas of mathematics, science, social studies, and language arts shall be college graduates.

The board also may employ necessary employees who are not required to hold teacher certificates to perform duties other than teaching and may contract for other services. The board may discharge teachers and noncertificated employees."

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**SECTION 45.(c)** This section is effective when it becomes law. Subsection (a) of this section applies to charters granted or renewed on or after that date. Subsection (b) of this section applies to persons employed by charter schools for the 2004-2005 and subsequent school years.

**SECTION 46.** Part 3 of Article 1 of Chapter 116 of the General Statutes is amended by adding the following new section to read:

**"§ 116-40.7. Internal auditors.**

(a) Internal auditors within The University of North Carolina and its constituent institutions shall provide independent reviews and analyses of various functions and programs within The University of North Carolina that will provide management information to promote accountability, integrity, and efficiency within The University of North Carolina.

(b) An internal auditor shall have access to any records, data, or other information of The University of North Carolina or the relevant constituent institution that the internal auditor believes necessary to carry out the internal auditor's duties.

(c) An internal auditor shall maintain, for 10 years, a complete file of all audit reports and reports of other examinations, investigations, surveys, and reviews issued under the internal auditor's authority. Audit work papers and other evidence and related supportive material directly pertaining to the work of that auditor's office shall be retained in accordance with Chapter 132 of the General Statutes. To promote cooperation and avoid unnecessary duplication of audit effort, audit work papers related to issued audit reports shall be, unless otherwise prohibited by law, made available for inspection by duly authorized representatives of the State and federal governments in connection with some matter officially before them. Except as otherwise provided in this subsection, or upon subpoena issued by a duly authorized court or court official, audit work papers shall be kept confidential and shall not be open to examination or inspection under G.S. 132-6. Audit reports shall be public records to the extent that they do not include information that, under State laws, is confidential and exempt from Chapter 132 of the General Statutes or would compromise the security systems of The University of North Carolina."

**SECTION 47.** G.S. 116-238.1 is amended by adding a new subsection to read:

"(f) Notwithstanding any other provision of this section, no tuition grant awarded to a student under this section shall exceed the cost of tuition of the constituent institution at which the student is enrolled. If a student, who is eligible for a tuition grant under this subsection, also receives a scholarship or other grant covering the cost of tuition at the constituent institution for which the tuition grant is awarded, then the amount of the tuition grant shall be reduced by an appropriate amount determined by the State Education Assistance Authority. The State Education Assistance Authority shall reduce the amount of the tuition grant so that the sum of all grants and scholarship aid covering the cost of tuition received by the student, including the tuition grant under this section, shall not exceed the cost of tuition for the constituent institution at which the student is enrolled."

**SECTION 48.** G.S. 116-243 reads as rewritten:

**"§ 116-243. Board of directors established; appointments.**

A board of directors to govern the operation of the Arboretum is established, to be appointed as follows:

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- (1) Two by the Governor, initially, one for a two-year term, and one for a four-year term. Successors shall be appointed for four-year ~~terms;~~terms.
- (2) Two by the General Assembly, in accordance with G.S. 120-121, upon the recommendation of the President Pro Tempore of the Senate, initially, one for a two-year term, and one for a four-year term. Successors shall be appointed for four-year ~~terms;~~terms.
- (3) Two by the General Assembly, in accordance with G.S. 120-121, upon the recommendation of the Speaker of the House of Representatives, initially, one for a two-year term, and one for a four-year term. Successors shall be appointed for four-year ~~terms;~~terms.
- (4) The President of The University of North Carolina or ~~his~~ the President's designee to serve ex ~~officio;~~officio.
- (5) The chancellors, chief executive officers, or their designees of the following institutions of higher education: North Carolina State University, Western Carolina University, The University of North Carolina at Asheville, Mars Hill College, and Warren Wilson College, to serve ex ~~officio;~~officio.
- (6) The President of Western North Carolina Arboretum, Inc., to serve ex ~~officio;~~officio.
- (7) Six by the Board of Governors of The University of North Carolina, initially, three for one-year terms, and three for three-year terms. Successors shall be appointed for four-year terms. One shall be an active grower of nursery stock, and one other shall represent the State's garden ~~clubs;~~clubs.
- (8) The executive director of the Arboretum and the Executive Vice President of Western North Carolina Development Association shall serve ex officio as nonvoting members of the board of directors.

All appointed members may serve two full four-year terms following the initial appointment and then may not be reappointed until they have been absent for at least one year. Members serve until their successors have been appointed. Appointees to fill vacancies serve for the remainder of the unexpired term. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. Initial terms begin July 1, 1986.

The chairman of the board of directors shall be elected biennially by majority vote of the directors.

The executive director of the Arboretum shall report to the board of directors."

**SECTION 49.(a)** The title of Article 6 of Chapter 120 of the General Statutes reads as rewritten:

"Article 6.

~~Acts and Journals.~~ Acts, Journals, and Reports to the General Assembly."

**SECTION 49.(b)** Article 6 of Chapter 120 of the General Statutes is amended by adding the following new section to read:

**"§ 120-29.5. State agency reports to the General Assembly.**

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Whenever a report is directed by law or resolution to be made to the General Assembly, the State agency preparing the report shall deliver one copy of the report to each of the following officers: the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the House Principal Clerk, and the Senate Principal Clerk; and two copies of the report to the Legislative Library. The State agency is encouraged to inform members of the General Assembly that an electronic copy is available. This section does not affect any responsibilities for depositing documents with the State Library or the State Publications Clearinghouse under Chapter 125 of the General Statutes."

**SECTION 49.(c)** This section becomes effective October 1, 2004.

**SECTION 50.(a)** G.S. 120-47.2(d) reads as rewritten:

"(d) Within 20 days after the convening of each session of the General Assembly, the Secretary of State shall furnish each member of the General Assembly and the ~~State~~-Legislative Library a list of all persons who have registered as lobbyists and whom they represent. A supplemental list shall be furnished periodically each 20 days thereafter as the session progresses."

**SECTION 50.(b)** G.S. 147-16.2 reads as rewritten:

**"§ 147-16.2. Duration of boards and councils created by executive officials; extensions.**

(a) Any executive order of the Governor that creates a board, committee, council, or commission expires two years after the effective date of the executive order, unless the Governor specifies an expiration date in the order; provided, however, that any such executive order that was in effect on July 1, 1983, expires on June 30, 1985, unless the Governor specified a different expiration date in any such order. The Governor may extend any such executive order before it expires for additional periods of up to two years by doing so in writing; copies of the writing shall be filed by the Governor with the Secretary of State and the ~~State~~-Legislative Library.

(b) Any other State board, committee, council, or commission created by the Governor or by any other State elective officer specified in Article III of the North Carolina Constitution expires two years after it was created; provided, however, that any such board, committee, council, or commission existing as of July 1, 1984, expires on June 30, 1985, unless it was due to expire on an earlier date. The elective officer creating any such board, committee, council, or commission may extend the board, committee, council, or commission before it expires for additional periods of up to two years by doing so in writing; copies of the writing shall be filed by the elective officer with the Secretary of State and the ~~State~~-Legislative Library.

(c) Any State board, committee, council, or commission created by any official in the executive branch of State government, other than by those officials specified in subsections (a) and ~~(b)~~, (b) of this section, expires two years after it was created; provided, however, that any board, committee, council, or commission existing as of July 1, 1984, expires on June 30, 1985, unless it was due to expire on an earlier date. The Governor may extend any such board, committee, council, or commission before it expires for additional periods of up to two years by executive order; copies of the executive order shall be filed by the Governor with the Secretary of State and the ~~State~~-Legislative Library.

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The words, "official in the executive branch of State government," as used in this section, do not include officials of counties, cities, towns, villages, other municipal corporations or political subdivisions of the State or any agencies of such subdivision, or local boards of education, other local public districts, units or bodies of any kind, or community colleges as defined in G.S. 115D- 2(2), or private corporations created by act of the General Assembly.

(d) Any elective officer specified in subsection (b) of this section and any other official in the executive branch of State government who creates a board, committee, council, or commission shall do so in writing and shall file copies of the writing with the Secretary of State and the ~~State~~ Legislative Library."

**SECTION 51.** G.S. 121-4(16) is repealed.

**SECTION 52.(a)** G.S. 131E-256 is amended by adding the following subsection to read:

"(a1) The Department shall include in the registry a brief statement of any individual disputing the finding entered against the individual in the health care personnel registry pursuant to subdivision (1) of subsection (a) of this section."

**SECTION 52.(b)** G.S. 131E-256(e) reads as rewritten:

"(e) The Department shall provide an employer or potential employer of any person listed on the Health Care Personnel Registry ~~of information concerning~~ the nature of the finding or allegation and the status of the investigation."

**SECTION 52.(c)** G.S. 131E-256 is amended by adding the following subsection to read:

"(i) In the case of a finding of neglect under subdivision (1) of subsection (a) of this section, the Department shall establish a procedure to permit health care personnel to petition the Department to have his or her name removed from the registry upon a determination that:

- (1) The employment and personal history of the nurse aid does not reflect a pattern of abusive behavior or neglect;
- (2) The neglect involved in the original finding was a singular occurrence; and
- (3) The petition for removal is submitted after the expiration of the one-year period which began on the date the petitioner's name was added to the registry under subdivision (1) of subsection (a) of this section."

**SECTION 53.(a)** G.S. 148-22.2 reads as rewritten:

**"§ 148-22.2. Procedure when surgical operations on inmates are necessary.**

The medical staff of any penal institution of the State of North Carolina is hereby authorized to perform or cause to be performed by competent and skillful surgeons surgical operations upon any inmate when such operation is necessary for the improvement of the physical condition of the inmate. The decision to perform an operation shall be made by the chief medical officer of the institution, with the approval of the superintendent of the institution, and with the advice of the medical staff of the institution. No operation shall be performed without the consent of the inmate; or, if the inmate is a minor, without the consent of a responsible member of the inmate's family, a guardian, or one having legal custody of the minor; or, if the inmate be non compos mentis, then the consent of a responsible member of the

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inmate's family or of a guardian shall be obtained. Any surgical operations on inmates of State penal institutions shall also be subject to the provisions of Article 1A of Chapter 90 of the General Statutes and Statutes, ~~G.S. 90-21.13~~ G.S. 90-21.13, and ~~G.S. 90-21.14~~ G.S. 90-21.16.

If the operation on the inmate is determined by the chief medical officer to be an emergency situation in which immediate action is necessary to preserve the life or health of the inmate, and the inmate, if sui juris, is unconscious or otherwise incapacitated so as to be incapable of giving consent or in the case of a minor or inmate non compos mentis, the consent of a responsible member of the inmate's family, guardian, or one having legal custody of the inmate cannot be obtained within the time necessitated by the nature of the emergency situation, then the decision to proceed with the operation shall be made by the chief medical officer and the superintendent of the institution with the advice of the medical staff of the institution.

In all cases falling under this ~~Article, section,~~ the chief medical officer of the institution and the medical staff of the institution shall keep a careful and complete record of the measures taken to obtain the permission for the operation and a complete medical record signed by the medical superintendent or director, the surgeon performing the operation and all surgical consultants of the operation performed."

**SECTION 53.(b)** G.S. 148-46.2 reads as rewritten:

**"§ 148-46.2. Procedure when consent is refused by prisoner.**

When the Secretary of Correction finds as a fact that the injury to any prisoner was willfully and intentionally self-inflicted and that an operation or treatment is necessary for the preservation or restoration of the health of the prisoner and that the prisoner is competent to act for himself or herself; and that attempts have been made to obtain consent for the proposed operation or treatment but such consent was refused, and the findings have been reduced to writing and entered into the prisoner's records as a permanent part thereof, then the chief medical officer of the prison hospital or prison institution shall be authorized to give or withhold, on behalf of the prisoner, consent to the operation or treatment.

In all cases coming under the provisions of this ~~Article, section,~~ the medical staff of the hospital or institution shall keep a careful and complete medical record of the treatment and surgical procedures undertaken. The record shall be signed by the chief medical officer of the hospital or institution and the surgeon performing any surgery. Any treatment of self-inflicted injuries shall also be subject to the provisions of G.S. 90-21.13 and ~~90-21.14~~ G.S. 90-21.16."

**SECTION 54.** G.S. 148-32.1(a) reads as rewritten:

"(a) The Department of Correction shall pay each local confinement facility a standard sum set by the General Assembly in its appropriation acts at a per day, per inmate rate, for the cost of providing food, clothing, personal items, supervision and necessary ordinary medical services to those inmates committed to the custody of the local confinement facility to serve criminal sentences of 30 days or more. This reimbursement shall not include any period of detention prior to actual commitment by the sentencing court. The Department shall also pay to the local confinement facility extraordinary medical expenses incurred for the inmates, defined as follows:

- (1) Medical expenses incurred as a result of providing health care to an inmate as an inpatient (hospitalized);

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- (2) Other medical expenses when the total cost exceeds thirty-five dollars (\$35.00) per occurrence or illness as a result of providing health care to an inmate as an outpatient (nonhospitalized); and
- (3) Cost of replacement of eyeglasses and dental prosthetic devices if those eyeglasses or devices are broken while the inmate is incarcerated, provided the inmate was using the eyeglasses or devices at the time of his commitment and then only if prior written consent of the Department is obtained by the local facility.

In order to obtain reimbursement for any of the expenses authorized by this section, a local confinement facility shall submit an invoice to the Department within one year of the date of commitment by the sentencing court."

**SECTION 55.** G.S. 160A-176.2 reads as rewritten:

**"§ 160A-176.2. Ordinances effective in Atlantic Ocean.**

(a) A city may adopt ordinances to regulate and control swimming, personal watercraft operation, surfing and littering in the Atlantic Ocean and other waterways adjacent to that portion of the city within its boundaries or within its extraterritorial jurisdiction; provided, however, nothing contained herein shall be construed to permit any city to prohibit altogether swimming or surfing or to make these activities unlawful.

(b) Subsection (a) of this section applies to the Towns of Atlantic Beach, Calabash, Cape Carteret, Carolina Beach, Caswell Beach, Duck, Emerald Isle, Holden Beach, Kill Devil Hills, Kitty Hawk, Manteo, Nags Head, Oak Island, Ocean Isle Beach, Southern Shores, Sunset Beach, Topsail Beach, and Wrightsville Beach, and the City of Southport only."

**SECTION 56.** G.S. 160A-635(a) reads as rewritten:

**"§ 160A-635. Membership; officers; compensation.**

(a) The governing body of an authority is the Board of Trustees. The Board of Trustees shall consist of:

- (1) The mayor of the four cities within the service area that have the largest population, or a member of the city council designated by the city council to serve in the absence of the mayor.
- (2) Two members of the Board of Transportation appointed by the Secretary of Transportation, to serve as ex officio nonvoting members.
- (3) The chair of each Metropolitan Planning Organization in the territorial jurisdiction. The chair of the Metropolitan Planning Organization may appoint the Chair of the Transportation Advisory Committee, or a designee approved by the Transportation Advisory Committee, as his or her designee.
- (4) The chair of the board of commissioners of any county within the territorial jurisdiction or a member of the board of commissioners designated by the board to serve in the absence of the chair, but only if the Board of Trustees by resolution has expanded the Board of Trustees to include the chair of the board of commissioners of that county and the board of commissioners of that county has consented by resolution.

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- (5) The chair of the principal airport authority or airport commission of each of the two most populous counties within the territorial jurisdiction, as determined by the most recent decennial federal census. The chair of the airport authority or airport commission may appoint a designee. The designee is not required to be a member of the airport authority or airport commission."

**SECTION 57.** G.S. 163-34 reads as rewritten:

**"§ 163-34. Power of county board of elections to maintain order.**

Each county board of elections shall possess full power to maintain order, and to enforce obedience to its lawful commands during its sessions, and shall be constituted an inferior court for that purpose. If any person shall refuse to obey the lawful commands of any county board of elections, or by disorderly conduct in its hearing or presence shall interrupt or disturb its proceedings, it may, by an order in writing, signed by its chairman, and attested by its secretary, commit the person so offending to the common jail of the county for a period not exceeding 30 days. Such order shall be executed by any sheriff ~~or constable~~ to whom the same shall be delivered, or if a sheriff ~~or constable~~ shall not be present, or shall refuse to act, by any other person who shall be deputed by the county board of elections in writing, and the keeper of the jail shall receive the person so committed and safely keep him for such time as shall be mentioned in the commitment: Provided, that any person committed under the provisions of this section shall have the right to post a two hundred dollar (\$200.00) bond with the clerk of the superior court and appeal to the superior court for a trial on the merits of his commitment."

**SECTION 58.** G.S. 163-35(b) reads as rewritten:

"(b) Appointment, Duties; Termination. – Upon receipt of a nomination from the county board of elections stating that the nominee for director of elections is submitted for appointment upon majority selection by the county board of elections the Executive Director shall issue a letter of appointment of such nominee to the chairman of the county board of elections within 10 days after receipt of the nomination. Thereafter, the county board of elections shall enter in its official minutes the specified duties, responsibilities and designated authority assigned to the director by the county board of elections. A copy of the specified duties, responsibilities and designated authority assigned to the director shall be filed with the State Board of Elections.

The county board of elections may, by petition signed by a majority of the board, recommend to the Executive Director of the State Board of Elections the termination of the employment of the county board's director of elections. The petition shall clearly state the reasons for termination. Upon receipt of the petition, the Executive Director shall forward a copy of the petition by certified mail, return receipt requested, to the county director of elections involved. The county director of elections may reply to the petition within 15 days of receipt thereof. Within 20 days of receipt of the county director of elections' reply or the expiration of the time period allowed for the filing of the reply, the State Executive Director shall render a decision as to the termination or retention of the county director of elections. The decision of the Executive Director of the State Board of Elections shall be final unless the decision is, within 20 days from the official date on which it was made,



deferred by the State Board of Elections. If the State Board defers the decision, then the State Board shall make a final decision on the termination after giving the county director of elections an opportunity to be heard and to present witnesses and information to the State Board, and then notify the Executive Director of its decision in writing. Any one or more members of the State Board designated by the remaining members of the State Board may conduct the hearing and make a final determination on the termination. For the purposes of this subsection, the member(s) designated by the remaining members of the State Board shall possess the same authority conferred upon the chairman pursuant to G.S. 163-23. If the decision, rendered ~~by the State Board of Elections, after the hearing,~~ results in concurrence with the decision entered by the Executive Director, the decision becomes final. If the decision rendered ~~by the Board after the hearing~~ is contrary to that entered by the Executive Director, then the Executive Director shall, within 15 days from the written notification, enter an amended decision consistent with the results of the decision by the State Board of Elections. Elections or its designated member(s).

Upon majority vote on the recommendation of the Executive Director, the State Board of Elections may initiate proceedings for the termination of a county director of elections for just cause. If the State Board votes to initiate proceedings for termination, the State Board shall state the reasons for the termination in writing and send a copy by certified mail, return receipt requested, to the county director of elections. The director has 15 days to reply in writing to the notice. The State Board of Elections shall also notify the chair of the county board of elections and the chair of the county board of commissioners that the State Board has initiated termination proceedings. The State Board shall make a final decision on the termination after giving the county director of elections an opportunity to be heard, present witnesses, and provide information to the State Board. ~~The State Board of Elections shall notify the chair of the county board of elections and the chair of the county board of commissioners that the State Board has initiated termination proceedings.~~ Any one or more members of the State Board designated by the remaining members of the State Board may conduct the hearing and make a final decision. For the purposes of this subsection, the member(s) designated by the remaining members of the State Board shall possess the same authority conferred upon the chairman pursuant to G.S. 163-23.

A county director of elections may be suspended, with pay, without warning for causes relating to personal conduct detrimental to service to the county or to the State Board of Elections, pending the giving of written reasons, in order to avoid the undue disruption of work or to protect the safety of persons or property or for other serious reasons. Any suspension may be initiated by the Executive Director but may not be for more than five days. Upon placing a county director of elections on suspension, the Executive Director shall, as soon as possible, reduce to writing the reasons for the suspension and forward copies to the county director of elections, the members of the county board of elections, the chair of the county board of commissioners, and the State Board of Elections. If no action for termination has been taken within five days, the county director of elections shall be fully reinstated.

Termination of any county director of elections shall comply with this subsection. ~~For the purposes of this subsection, the individual designated by the remaining four members of the State Board shall possess the same authority conferred upon the chairman pursuant to G.S. 163-23."~~

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**SECTION 59.(a)** G.S. 163-278.7(b)(7) reads as rewritten:

"(b) Each appointed treasurer shall file with the Board at the time required by G.S. 163-278.9(a)(1) a statement of organization that includes:

- ...
- (7) A listing of all banks, safety deposit boxes, or other depositories used, including the names and numbers of all accounts maintained and the numbers of all such safety deposit boxes used, provided that the Board shall keep any account number included in any report filed after March 1, 2003, and required by this Article confidential except as necessary to conduct an audit or investigation, except as required by a court of competent jurisdiction, or unless confidentiality is waived by the treasurer. Disclosure of an account number in violation of this subdivision shall not give rise to a civil cause of action. This limitation of liability does not apply to the disclosure of account numbers in violation of this subdivision as a result of gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable.
- ...."

**SECTION 59.(b)** This section is effective on and after January 1, 2003.

**SECTION 60.** G.S. 163-278.64(d)(5) reads as rewritten:

- "(5) A candidate and the candidate's committee shall limit the use of all revenues permitted by this subsection to expenditures for campaign-related purposes only. The Board shall publish guidelines outlining permissible campaign-related expenditures. In establishing those guidelines, the Board shall differentiate expenditures that reasonably further a candidate's campaign from expenditures for personal use that would be incurred in the absence of the candidacy. In establishing the guidelines, the Board shall review relevant provisions of G.S. 163-278.42(e), the Federal Election Campaign Act, and rules adopted pursuant to it, and similar provisions in other states."

**SECTION 61.** G.S. 168-2 reads as rewritten:

**"§ 168-2. Right of access to and use of public places.**

Handicapped persons have the same right as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and all other buildings and facilities, both publicly and privately owned, which serve the public. The Department of Health and Human Services shall develop, print, and promote the publication ACCESS NORTH CAROLINA. It shall make copies of the publication available to the Department of Commerce for its use in Welcome Centers and other appropriate Department of Commerce offices. The Department of ~~Economic and Community Development~~ Commerce shall promote ACCESS NORTH CAROLINA in its publications (including providing a toll-free telephone line and an address for requesting copies of the publication) and provide technical

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assistance to the Department of Health and Human Services on travel attractions to be included in ACCESS NORTH CAROLINA. The Department of Commerce shall forward all requests for mailing ACCESS NORTH CAROLINA to the Department of Health and Human Services."

**SECTION 62.(a)** G.S. 168-4.2 reads as rewritten:

**"§ 168-4.2. May be accompanied by assistance dog-service animal.**

Every mobility impaired person, as defined in this section, visually impaired person, as broadly defined to include visual disability, ~~or~~ hearing impaired person, as defined in G.S. 8B-1(2), or person with a seizure disorder has the right to be accompanied by ~~an assistance dog-a service animal~~ especially trained for the purpose of providing assistance to a person with the same impairing condition as the person wishing to be accompanied, in any of the places listed in G.S. 168-3, and has the right to keep the assistance dog-service animal on any premises the person leases, rents, or uses. The person qualifies for these rights upon the showing of a tag, issued by the Department of Health and Human Services, ~~pursuant to~~ under G.S. 168-4.3, stamped "NORTH CAROLINA ~~ASSISTANCE DOG-SERVICE ANIMAL~~ PERMANENT REGISTRATION" and stamped with a registration number, or upon a showing that the ~~dog-animal~~ is being trained or has been trained as ~~an assistance dog~~. An assistance dog-a service animal. The service animal may accompany a person in any of the places listed in G.S. 168-3 but may not occupy a seat in any of these places. The ~~trainer of the assistance dog may be accompanied by the dog~~ service animal may accompany that animal's trainer during training sessions in any of the places listed in G.S. 168-3.

A mobility impaired person is a person with a physiological deficiency, regardless of its cause, nature, or extent, that renders the individual unable to move about without the aid of crutches, a wheelchair, or other form of support, or that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any other related function."

**SECTION 62.(b)** G.S. 168-4.3 reads as rewritten:

**"§ 168-4.3. Training and registration of assistance dog-service animal.**

The Department of Health and Human Services, shall adopt rules for the registration of ~~assistance dogs-service animals~~ and shall issue registrations to a visually impaired person, a hearing impaired person, ~~or~~ a mobility impaired ~~person~~ person, or a person with a seizure disorder who makes application for registration of ~~a dog-an animal~~ that serves as ~~an assistance dog-a service animal~~. The rules adopted regarding registration shall require that the ~~dog-animal~~ be trained as ~~an assistance dog-a service animal~~ by an appropriate agency, and that the certification and registration be permanent for the particular ~~dog-animal~~ and need not be renewed while that particular ~~dog-animal~~ serves the person applying for registration as ~~an assistance dog-a service animal~~. No fee may be charged the person for the application, registration, tag, or replacement in the event the original is lost. The Department of Health and Human Services may, by rule, issue a certification or accept the certification issued by the appropriate training facilities."

**SECTION 62.(c)** G.S. 168-4.4 reads as rewritten:

**"§ 168-4.4. Responsibility for assistance dog-service animal.**

The visually impaired person, hearing impaired person, ~~or~~ mobility impaired ~~person~~ person, or person with a seizure disorder who is accompanied by ~~an~~

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~~assistance dog a service animal~~ may not be required to pay any extra compensation for the ~~dog-animal~~. The person has all the responsibilities and liabilities placed on any person by any applicable law when that person owns or uses any ~~dog-animal~~, including liability for any damage done by the ~~dog-animal~~."

**SECTION 63.(a)** Section 9.2 of Chapter 707 of the 1963 Session Laws, as amended by S.L. 2002-66, reads as rewritten:

"Sec. 9.2. Beginning with the 2003-2004 fiscal year, the base amount of funding for current expense expenditures from local funds shall include the previous ~~years'~~ year's level of current expense expenditures (for example, eight million seven hundred thousand dollars (\$8,700,000) in 2002-2003), multiplied by one plus the average percentage change in local current expense school expenditures for the two most recent available fiscal ~~year- years~~ for low-wealth counties in North Carolina (all local expenditures shall include local current expense expenditures incurred by charter schools within the appropriate districts), as determined by the Superintendent of Public Instruction or that person's designee. The average percentage change shall be calculated by (i) adding together for each of the two previous fiscal years the total current local expense expenditures for all low-wealth counties, (ii) dividing each of those totals, respectively, by the number of low-wealth counties receiving low-wealth funding in each year to obtain an average low-wealth county local current expense expenditure for each year, and (iii) comparing the two averages. The average percentage change shall equal the percent difference between the averages for the two years. The resulting product shall then be multiplied by a ratio consisting of the Average Daily Membership used to distribute State funding for the succeeding fiscal year as provided by the Department of Public Instruction, divided by the Average Daily Membership used to distribute funding for the current fiscal year, as determined by the Superintendent of Public Instruction, or that person's designee. ~~The resulting number shall be added to or subtracted from the previous year's amount of current expense expenditures from local funds. This sum-~~ The resulting product shall be the required level of current expense funding to be appropriated by the Board of Commissioners from any local sources, including both general and supplemental tax revenues, and not including fines and forfeitures or restricted use sales taxes authorized by Article 40 or 42 of Chapter 105 of the General Statutes."

**SECTION 63.(b)** The remainder of Chapter 707 of the 1963 Session Laws is not changed by this section except to the extent any previously enacted provisions for the establishment and funding of current expense expenditures are inconsistent with the provisions of this section.

**SECTION 64.(a)** Section 6(a) of Chapter 246, Session Laws of 1991, as rewritten by Section 14 of Chapter 358 of the 1993 Session Laws, reads as rewritten:

"Sec. 6. Orange County Civil Rights Ordinance. (a) The Board of Commissioners of Orange (hereafter 'Board of Commissioners') may adopt an ordinance (hereafter 'the Ordinance') to prohibit discrimination in ~~employment, housing, housing~~ and public accommodations on the basis of race, color, religion, gender, national origin, age, disability, marital status, familial status, and veteran status.

The Board of Commissioners may include in the Ordinance a prohibition of language or conduct or both directed at an individual or at a group of individuals because of that individual's or group of individuals' actual or perceived race, color,

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religion, gender, national origin, age, disability, marital status, familial status, or veteran status which communicates in a threatening manner words that incite imminent lawless action or which tend to incite an immediate breach of the peace."

**SECTION 64.(b)** Section 6(b)(9) of Chapter 246, Session Laws of 1991, as rewritten by Section 14 of Chapter 358 of the 1993 Session Laws, reads as rewritten:

"(b) The Board of Commissioners may, in the Ordinance, adopt procedures and delegate powers to the Orange County Human Relations Commission (hereafter 'the Commission') which are necessary and proper for carrying out and enforcing the Ordinance. To assist in the enforcement of the Ordinance, the Commission has, but is not limited to, the following powers:

- ...
- (9) Making application, in its discretion, to the Office of Administrative Hearings for the designation of an administrative law judge to preside over a hearing in cases involving allegedly unlawful ~~employment practices, public accommodations, public accommodations~~ or other conduct made unlawful by subsection (a) of this section after conciliation efforts have failed; and

...."

**SECTION 64.(c)** Section 6(d) of Chapter 246, Session Laws of 1991, as rewritten by Section 14 of Chapter 358 of the 1993 Session Laws, reads as rewritten:

"(d) The administrative law judge may recommend the imposition of mandatory and prohibitory injunctive relief, compensatory damages (which, as provided by the 1991 Civil Rights Act, includes emotional pain, humiliation, embarrassment, and inconvenience), punitive damages, and any other relief the administrative law judge deems appropriate; provided that:

- (1) Punitive damages may be recommended only if the administrative law judge finds that the respondent engaged in a practice made unlawful under the ordinance with malice or with reckless indifference to the protected rights of the ~~complainant; and complainant.~~
- (2) ~~In cases involving unlawful employment practices, the administrative law judge may recommend reinstatement, hiring, and/or back pay.~~

In all cases wherein the Commission applies to the Office of Administrative Hearings for the designation of an administrative law judge, the Commission shall be the complainant and the case in support of the Commission shall be presented by the Commission's attorney.

The administrative law judge may, in his or her discretion, recommend that the respondent be awarded reasonable costs and attorneys' fees in the event the respondent prevails."

**SECTION 65.** S.L. 1997-182 is repealed. This also repeals G.S. 18B-1006(l).

**SECTION 66.** Section 17.1(f) of S.L. 2000-138, as amended by S.L. 2002-180, reads as rewritten:

"**SECTION 17.1.(f)** Members of the Commission ~~shall not~~ may receive per diem or reimbursement for travel or subsistence. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the per diem of the Commission established by this Part."

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**SECTION 67.** Section 7.13(b) of S.L. 2002-126 reads as rewritten:

**"SECTION 7.13.(b)** The Office of State Budget and Management shall ~~issue a Request for Proposals for~~ conduct an analysis of the structure and operation of the Department of Public Instruction that identifies Instruction. The analysis shall identify potential efficiencies and savings in the operations of the Department. The analysis may consider consolidation of functions with other agencies and automation of functions.

~~The Request for Proposals may include contingency proposals based on potential savings.~~

The Office of State Budget and Management shall ~~consult with~~ report its findings to the State Board of Education. The State Board of Education shall report to the Joint Legislative Education Oversight Committee prior to the award of the contract by March 15, 2004, on the results of the analysis."

**SECTION 68.(a)** Section 61.5 of S.L. 2002-159 is repealed.

**SECTION 68.(b)** Section 1.1 of S.L. 2002-162 is repealed.

**SECTION 69.** The introductory language of the second Section 3 of S.L. 2003-31 reads as rewritten:

**"SECTION 3.3.1.** Section 36(b) of S.L. 2002-159, as amended by Section 1 of S.L. 2003-2, reads as rewritten:"

**SECTION 70.(a)** G.S. 20-141(o) reads as rewritten:

**"(o)** A violation of G.S. 20-123.2 shall be a lesser included offense in any violation of this section. No drivers license points or insurance surcharge shall be assessed on account of a violation of this subsection."

**SECTION 70.(b)** This section becomes effective December 1, 2004.

**SECTION 71.** Section 2 of S.L. 2003-128 reads as rewritten:

**"SECTION 2.(a)** A ~~county~~ county, city, or town may adopt ordinances to regulate the removal and preservation of existing trees and shrubs prior to development within a perimeter buffer zone of up to 50 feet along public roadways and property boundaries adjacent to developed properties and up to 25 feet along property boundaries adjacent to undeveloped properties.

**"SECTION 2.(b)** Ordinances adopted pursuant to this section shall:

- (1) Provide that the required buffer area shall not exceed twenty percent (20%) of the area of the tract, net of public road rights-of-way and any required conservation easements.
- (2) Provide that buffer zones that adjoin public roadways shall be measured from the edge of the public road right-of-way.
- (3) Provide that tracts of two acres or less, net of public road rights-of-way, that are zoned for single-family residential use are exempt from the requirements of the ordinances.
- (4) Provide that the ordinances are limited to situations where undeveloped property is planned or zoned in accordance with adopted planning and zoning regulations.
- (5) Provide that a survey of individual trees is not required.
- (6) Include reasonable provisions for access onto and within the subject property.
- (7) Exclude normal forestry activities on property taxed under the present-use value standard or conducted pursuant to a forestry

management plan prepared or approved by a forester registered pursuant to Chapter 89B of the General Statutes. However, for such properties, a ~~county~~ county, city, or town may deny a building permit or refuse to approve a site or subdivision plan for a period of three years following completion of the harvest if all or substantially all of the perimeter buffer trees that should have been protected were removed from the tract of land for which the permit or plan approval is sought. A ~~county~~ county, city, or town may deny a permit or refuse to approve a site or subdivision plan for a period of two years if the owner replants the buffer area within 120 days of harvest with plant material that is consistent with buffer areas required under the county's ordinances.

"**SECTION 2.(c)** Before adopting an ordinance under this section, the county board of commissioners or governing body of the city or town shall hold a public hearing on the proposed ordinance. Notice of the public hearing shall be given in accordance with G.S. ~~153A-323~~ 153A-323 or G.S. 160A-364, as appropriate.

"**SECTION 2.(d)** ~~This~~ As to county ordinances, this section does not apply to areas located within the corporate limits or extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes of any municipality.

"**SECTION 2.(e)** This section applies to the Town of Rutherfordton and to Wake County only."

**SECTION 72.(a)** G.S. 115C-264 reads as rewritten:

**"§ 115C-264. Operation.**

In the operation of their public school food programs, the public schools shall participate in the National School Lunch Program established by the federal government. The program shall be under the jurisdiction of the Division of School Food Services of the Department of Public Instruction and in accordance with federal guidelines as established by the Child Nutrition Division of the United States Department of Agriculture.

Each school may, with the approval of the local board of education, sell soft drinks to students so long as soft drinks are not sold (i) during the lunch period, (ii) at elementary schools, or (iii) contrary to the requirements of the National School Lunch Program.

All school food services shall be operated on a nonprofit basis, and any earnings therefrom over and above the cost of operation as defined herein shall be used to reduce the cost of food, to serve better food, or to provide free or reduced-price lunches to indigent children and for no other purpose. The term "cost of operation" shall be defined as actual cost incurred in the purchase and preparation of food, the salaries of all personnel directly engaged in providing food services, and the cost of nonfood supplies as outlined under standards adopted by the State Board of Education. "Personnel" shall be defined as food service supervisors or directors, bookkeepers directly engaged in food service record keeping and those persons directly involved in preparing and serving food: Provided, that food service personnel shall be paid from the funds of food services only for services rendered in behalf of lunchroom services. Any cost incurred in the provisions and maintenance of school food services over and beyond the cost of operation shall be included in the budget request filed annually by

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local boards of education with boards of county commissioners. ~~It shall not be mandatory that the provisions of G.S. 115C-522(a) and 143-129 be complied with~~ Public schools are not required to comply with G.S. 115C-522(a) in the purchase of supplies and food for such school food services."

**SECTION 72.(b)** Effective June 4, 2003, Section 12 of S.L. 2003-147 reads as rewritten:

"**SECTION 12.** Sections 1 through ~~8-9~~ of this act become effective for a local school administrative unit when the unit is certified by the Department of Public Instruction as being E-Procurement compliant, as provided in Section ~~9-10~~ of this act, or April 1, 2004, whichever occurs first. The remainder of this act is effective when it becomes law."

**SECTION 73.** Section 2 of S.L. 2003-194 reads as rewritten:

"**SECTION 2.** This act is effective when it becomes law and applies to the 2003-2004 academic ~~year-year, beginning with the Spring 2004 semester,~~ and each subsequent year."

**SECTION 74.(a)** The introductory language of Section 26(e) of S.L. 2003-212 reads as rewritten:

"**SECTION 26.(e)** ~~G.S. 58-6-30~~G.S. 58-15-30 reads as rewritten:"

**SECTION 74.(b)** G.S. 58-31-66 reads as rewritten:

"§ **58-31-66. Public construction contract surety bonds.**

(a) Neither the State nor any county, city, or other political subdivision of the State, or any officer, employee, or other person acting on behalf of any such entity shall, with respect to any public building or construction contract, require any contractor, bidder, or proposer to procure a bid bond, payment bond, or performance bond from a particular surety, agent, producer, or broker.

(b) ~~Nothing in this section prohibits an officer or employee acting on behalf of the State or a county, city, or other political subdivision of the State from:~~

- (1) ~~Approving the form, sufficiency, or manner of execution of the surety bonds furnished by the surety selected by the bidder to underwrite the bonds.~~
- (2) ~~Disapproving, on a reasonable, nondiscriminatory basis, the surety selected by the bidder to underwrite the bonds because of the financial condition of the surety.~~

(c) ~~A violation of this section renders the public building or construction contract void ab initio."~~

**SECTION 74.(c)** Subsection (a) of this section becomes effective January 1, 2004. Subsection (b) of this section becomes effective October 1, 2004.

**SECTION 75.** Section 7.5 of S.L. 2003-284 reads as rewritten:

"**SECTION 7.5.(a)** ~~Funds in the Reserve for Experience Step Increase for Teachers and Principals in Public Schools shall be used for experience step increases for employees of schools operated by a local board of education, the Department of Health and Human Services, the Department of Correction, or the Department of Juvenile Justice and Delinquency Prevention who are paid on the teacher salary schedule or the principal and assistant principal salary schedule.~~

**SECTION 7.5.(b)** Effective July 1, 2003, any permanent certified personnel employed on July 1, 2003, and paid on the teacher salary schedule with 29+ years of experience shall receive a one-time bonus equivalent to the average increase of the 26 to 29 year steps. Effective July 1, 2003, any permanent personnel employed on

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July 1, 2003, and paid at the top of the principal and assistant principal salary schedule shall receive a one-time bonus equivalent to two percent (2%). For permanent part-time personnel, the one-time bonus shall be adjusted pro rata. Personnel defined under G.S. 115C-325(a)(5a) are not eligible to receive the bonus."

**SECTION 76.** Section 11.4(e) of S.L. 2003-284 reads as rewritten:

"**SECTION 11.4.(e)** It is the intent of the General Assembly that the funds under ~~subsection (e)~~ subsection (d) of this section are recurring funds."

**SECTION 77.** Section 12.6C(a) of S.L. 2003-284 reads as rewritten:

"**SECTION 12.6C.(a)** The North Carolina Industrial Commission may retain the additional revenue generated by raising the fee charged to parties for the filing of compromised settlements from two hundred dollars (\$200.00) to an amount that does not exceed two hundred fifty dollars (\$250.00) for the purpose of replacing existing computer hardware and software used for the operations of the Commission. These funds may also be used to prepare any assessment of hardware and software needs prior to purchase. The Commission may not retain any fees ~~under this section~~ for the purpose of computer system replacement unless they are in excess of the current two-hundred-dollar (\$200.00) fee charged by the Commission for filing a compromise settlement."

**SECTION 78.** Section 29.21 of S.L. 2003-284 reads as rewritten:

"**SECTION 29.21.** The Joint Legislative Transportation Oversight Committee shall contract with an independent consultant to study the project delivery process of the Department of Transportation. The study shall examine all aspects of the project delivery process, including (i) Department of Transportation planning, design, and contract letting procedures, and (ii) the effect of other resource and regulatory agency decisions and processes on the project delivery process. The study shall identify all significant causes of delay in the project delivery process, and suggest specific, practical solutions to decrease the time it takes to deliver a transportation project from inception to completion. The Committee shall endeavor to complete this study by April 1, ~~2003-2004~~. The provisions of G.S. 120-32.02 shall apply to any contract with a consultant pursuant to this section."

**SECTION 79.** The lead-in language of Section 46.2 of S.L. 2003-284 is rewritten to read:

"**SECTION 46.2.** Article 9 of Chapter 142 of the General Statutes, as enacted by S.L. 2003-314, is rewritten to read:"

**SECTION 80.** Section 3 of S.L. 2003-300 reads as rewritten:

"**SECTION 3.** Waiver of Deadlines, Fees, and Penalties. – Except as prohibited by the Constitution, the Governor may extend deadlines and waive penalties or fees as is necessary to alleviate hardship created for deployed military personnel serving in Operation Iraqi Freedom. This authority includes the authority to do all of the following:

- (1) Extend for up to 90 days from the end of deployment the validity of a permanent or temporary drivers license issued under G.S. 20-7 to deployed military personnel.
- (2) Waive civil penalties and restoration fees under G.S. 20-309 for any deployed military personnel whose motor vehicle liability insurance lapsed during the period of deployment or

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within 90 days after the military member returned to North Carolina if the military member certifies to the Division of Motor Vehicles that the motor vehicle was not driven on the highway by anyone during the period in which the motor vehicle was uninsured and that the owner now has liability insurance on the motor vehicle.

- (3) Allow up to 90 days from the end of deployment for any deployed military personnel to renew ~~a license as defined in G.S. 93B-1~~ an occupational license. During the period of deployment or active duty and until the expiration of the 90-day period provided for in this subdivision, expired occupational licenses that are within the scope of this act remain valid, as if they had not expired. For the purposes of this section, the term "occupational license" means any license (other than a privilege license), certificate, or other evidence of qualification that an individual is required to obtain before the individual may engage in or represent himself or herself to be a member of a particular profession or occupation.
- (4) Require that any renewal fee applicable to the renewal of a license under subdivision (3) of this section be prorated over the period covered by the license and reduced in proportion to the period of time that the licensee was deployed outside the State."

**SECTION 81.** Section 1 of S.L. 2003-320 reads as rewritten:

"**SECTION 1.** Mayland Community College may, with prior approval of the State Board of Community Colleges and notwithstanding G.S. 115D-15 or Article 12 of Chapter 160A of the General Statutes:

- (1) Notwithstanding the provisions of G.S. 160A-272, lease the former Lexington Furniture Building for terms it deems appropriate; Lease at private sale the former Lexington Furniture Building for such consideration as it deems sufficient; and
- (2) Sell at private sale the former Hampshire Hosiery Building to Mitchell County Development Foundation, Inc., for such consideration as it deems sufficient."

**SECTION 82.** Section 12 of S.L. 2003-349 reads as rewritten:

"**SECTION 12.** Parts 1 and 8 of this act are effective for taxable years beginning on or after January 1, 2003. Part 5 of this act becomes effective July 1, 2003. ~~Part 9 of this act is effective for taxable years beginning on or after January 1, 2003, and shall expire for taxable years beginning on or after January 1, 2005.~~ Part 10 of this act becomes effective January 1, 2004. The remainder of this act is effective when it becomes law."

**SECTION 83.** The title of S.L. 2003-401 is amended by adding the following immediately before the period: "AND PROVIDE ADDITIONAL CONSUMER PROTECTIONS".

**SECTION 84.** Sections 75 through 79 of this act become effective July 1, 2004, unless otherwise provided in those sections. Unless otherwise provided, the remainder of this act is effective when it becomes law.

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The Conference Report is placed on the Calendar for tomorrow, Saturday, July 17, for adoption.

### CONFERENCE REPORT

Senator Hoyle for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 142** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DARE COUNTY TO LEVY AN ADDITIONAL ONE-HALF PERCENT SALES AND USE TAX, A PRIVILEGE TAX ON PROVIDERS OF TRANSIENT ACCOMMODATIONS, AN ADDITIONAL ONE PERCENT PREPARED FOOD AND BEVERAGES TAX, AND A ROOM TAX, THE PROCEEDS OF ALL OF WHICH SHALL BE USED FOR BEACH NOURISHMENT, 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 142, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DARE COUNTY TO LEVY AN ADDITIONAL ONE-HALF PERCENT SALES AND USE TAX, A PRIVILEGE TAX ON PROVIDERS OF TRANSIENT ACCOMMODATIONS, AN ADDITIONAL ONE PERCENT PREPARED FOOD AND BEVERAGES TAX, AND A ROOM TAX, THE PROCEEDS OF ALL OF WHICH SHALL BE USED FOR BEACH NOURISHMENT, Senate Finance Committee Substitute Adopted 7/7/04 Third Edition Engrossed 7/9/04, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Finance Committee Substitute Adopted 7/7/04, Third Edition Engrossed 7/9/04, 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 H142-PCCS.

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

Date Conferees approved report: July 16, 2004.

*Conferees for the Senate*

S/David W. Hoyle, Chair  
S/R. C. Soles, Jr.  
S/Charlie Smith Dannelly

*Conferees for the House of Representatives*

S/William T. Culpepper, III, Chair  
S/William C. Owens, Jr.  
S/Arthur J. Williams  
S/Jean R. Preston  
John I. Sauls  
David M. Miner

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S/Bonner L. Stiller  
 S/Julia C. Howard  
 S/Daniel F. McComas  
 S/Paul Luebke  
 Gordon P. Allen  
 S/William L. Wainwright

The text of the attached Proposed Conference Committee Substitute, PCCS H142-PCCS30585, which changes the title, is as follows:

A BILL TO BE ENTITLED  
 AN ACT TO AUTHORIZE DARE COUNTY TO LEVY AN ADDITIONAL ONE PERCENT SALES AND USE TAX THE PROCEEDS OF WHICH SHALL BE USED FOR BEACH NOURISHMENT.

The General Assembly of North Carolina enacts:

**SECTION 1.** Subchapter VIII of Chapter 105 of the General Statutes is amended by adding a new Article to read:

"Article 45.

"Local Government Sales and Use Tax for Beach Nourishment.

**"§ 105-525. Short title.**

This Article is the Local Government Sales and Use Tax for Beach Nourishment Act.

**"§ 105-526. Limitations.**

This Article applies only to counties that levy the first one-cent (1¢) sales and use tax under Article 39 of this Chapter or under Chapter 1096 of the 1967 Session Laws, the first one-half cent (1/2¢) local sales and use tax under Article 40 of this Chapter, the second one-half cent (1/2¢) local sales and use tax under Article 42 of this Chapter, and the third one-half cent (1/2¢) local sales and use tax under Article 44 of this Chapter.

**"§ 105-527. Definitions.**

The following definitions apply in this Article:

- (1) Beach nourishment. – The placement of sand, from other sand sources, on a beach or dune by mechanical means and other associated activities that are in conformity with the North Carolina Coastal Management Program, or which have otherwise been authorized by the General Assembly, along the North Carolina shorelines and connecting inlets for the purpose of widening the beach to benefit public recreational use and mitigating damage and erosion from storms to inland property and transportation routes. The term includes expenditures for the following:
  - a. Costs directly associated with qualifying for projects either contracted through the U.S. Army Corps of Engineers or otherwise permitted by all appropriate federal and State agencies.
  - b. The nonfederal share of the costs required to construct these projects.

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- c. The costs associated with providing enhanced public beach access.
- d. The costs of associated nonhardening activities such as the planting of vegetation, the building of dunes, and the placement of sand fences.

(2) Net proceeds. – Defined in G.S. 105-472.

**"§ 105-528. Levy.**

The board of commissioners of a county may, by resolution, levy one percent (1%) local sales and use taxes in addition to any other State and local sales and use taxes levied pursuant to law. Before adopting a resolution under this section, the board of commissioners must give at least 10 days' public notice of its intent to adopt the resolution and must hold a public hearing on the issue of adopting the resolution.

**"§ 105-529. Administration of taxes.**

Except as provided in this Article, the adoption, levy, collection, administration, and repeal of these additional taxes must be in accordance with Article 39 of this Chapter. A tax levied under this Article does not apply to the sales price of food that is exempt from tax pursuant to G.S. 105-164.13B.

**"§ 105-530. Expiration.**

A tax levied under this Article expires eight years after the effective date of its levy. A county's authorization to levy a tax under this Article expires eight years after the effective date of the first tax a county levies under this Article, even if the tax has not remained in effect for the entire eight-year period. The expiration of a tax pursuant to this Article does not affect the rights or liabilities of a county, a taxpayer, or another person arising under the expired tax; nor does it affect the right to any refund or credit of a tax that would otherwise have been available under the expired tax before its expiration.

If the Secretary receives a valid request for a refund of a tax levied under this Article after the tax has expired and the net proceeds have been distributed, the Secretary shall draw the refund from the taxing county's share of the net proceeds of the tax it levies under Article 39 of this Chapter or under Chapter 1096 of the 1967 Session Laws, as applicable.

**"§ 105-531. Distribution and use of taxes.**

(a) Distribution. – The Secretary shall, on a monthly basis, distribute to each taxing county for which the Secretary collects the tax the net proceeds of the tax collected in that county under this Article. If the Secretary collects local sales or use taxes in a month and the taxes cannot be identified as being attributable to a particular taxing county, the Secretary shall allocate the taxes among the taxing counties in proportion to the amount of taxes collected in each county under this Article during that month and shall include them in the monthly distribution. Amounts collected by electronic funds transfer payments are included in the distribution for the month in which the return that applies to the payment is received.

(b) Use. – A county may use the net proceeds of a tax levied under this Article only for beach nourishment."

**SECTION 2.** A tax levied under Article 45 of Chapter 105 of the General Statutes, as enacted by this part, does not apply to construction materials purchased to fulfill a lump-sum or unit-price contract entered into or awarded before the effective date of the levy or entered into or awarded pursuant to a bid made

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before the effective date of the levy when the construction materials would otherwise be subject to the tax levied under Article 45 of Chapter 105 of the General Statutes.

**SECTION 3.** Section 2 of Chapter 449 of the 1985 Session Laws, as amended by Chapter 177 of the 1991 Session Laws, S.L. 2001-347, and S.L. 2001-439, reads as rewritten:

"Sec. 2. Definitions. The definitions in G.S. 105-164.3 apply in this act. In addition, the following definitions apply in this act:

- (1) Net proceeds. Gross proceeds less the cost to the county of administering and collecting the tax.
- (2) Prepared food and beverages. The term has the same meaning as the term "prepared food" in G.S. 105-164.3.
- (3) Beach nourishment. The term has the same meaning as in G.S. 105-527.~~The placement of sand, from other sand sources, on a beach or dune by mechanical means and other associated activities that are in conformity with the North Carolina Coastal Management Program, or which have otherwise been authorized by the General Assembly, along the North Carolina shorelines and connecting inlets for the purpose of widening the beach to benefit public recreational use and mitigating damage and erosion from storms to inland property and transportation routes. The term includes expenditures for the following:
 
  - a. ~~Costs directly associated with qualifying for projects either contracted through the U.S. Army Corps of Engineers or otherwise permitted by all appropriate federal and State agencies;~~
  - b. ~~The nonfederal share of the costs required to construct these projects;~~
  - e. ~~The costs associated with providing enhanced public beach access; and~~
  - d. ~~The costs of associated nonhardening activities such as the planting of vegetation, the building of dunes, and the placement of sand fences."~~~~

**SECTION 4.** This act is effective when it becomes law.

The Conference Report is placed on the Calendar for tomorrow, Saturday, July 17, for adoption.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

House of Representatives  
July 16, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for **H.B. 1464**, A

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BILL TO BE ENTITLED AN ACT TO REDUCE BY TEN THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN LOCAL SCHOOL ADMINISTRATIVE UNITS THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT LOCAL BOARDS OF EDUCATION SCHEDULE FIVE NONINSTRUCTIONAL TEACHER WORKDAYS AT THE BEGINNING OF THE SCHOOL YEAR AND AT THE END OF EACH ACADEMIC QUARTER, AND THAT THESE DAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES; TO PROVIDE THAT NONINSTRUCTIONAL TEACHER WORKDAYS MAY CONTINUE TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE AND TO REQUIRE AT LEAST TWO OF THOSE DAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO ALLOW ANY OF THE NONINSTRUCTIONAL TEACHER WORKDAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS MAKE-UP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL" AS HAVING A SCHOOL CALENDAR THAT COVERS AT LEAST ELEVEN CALENDAR MONTHS; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW, and requests conferees.

Speaker Morgan has appointed:

Representative C. Wilson, Co-Chair	Representative Hill
Representative Culpepper, Co-Chair	Representative K. Williams
Representative Wood	Representative Weiss
Representative Hilton	Representative Insko
Representative Carney	Representative Wainwright
Representative Grady	Representative Justice
Representative Parmon	Representative L. Johnson
Representative Stiller	Representative Earle

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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

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**H.B. 1464** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REDUCE BY FIVE THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN ANY LOCAL SCHOOL ADMINISTRATIVE UNITS IN A COUNTY THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ALLOW THE STATE BOARD OF EDUCATION TO GRANT EXEMPTIONS FROM THE OPENING AND CLOSING DATE REQUIREMENT FOR PURPOSES OF ACCOMMODATING SPECIAL PROGRAMS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT FIVE NONINSTRUCTIONAL TEACHER WORKDAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES AND ARE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO PROVIDE THAT THE REMAINING NONINSTRUCTIONAL TEACHER WORKDAYS ARE SCHEDULED BY THE LOCAL BOARD OF EDUCATION IN CONSULTATION WITH EACH SCHOOL'S PRINCIPAL FOR USE AS TEACHER WORKDAYS, ADDITIONAL INSTRUCTIONAL DAYS, OR OTHER LAWFUL PURPOSES AND MAY BE DESIGNATED AS MAKEUP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL"; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO DIRECT THE STATE BOARD OF EDUCATION TO STUDY NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW.

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Pursuant to the message from the House of Representatives received earlier today that the House fails to concur in the Senate Committee Substitute bill No. 2 for H.B. 1464 and requests conferees, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Thomas, Chair; Senator Apodaca; Senator Clodfelter; Senator Dannelly; Senator Reeves; and Senator Swindell as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 11:41 P.M.

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### ONE HUNDRED FORTY-EIGHTH DAY

Senate Chamber  
Saturday, July 17, 2004

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 Hugh Webster, Senator from Alamance County as follows:

"Lord, we thank you for abundant blessings upon us, our State, our Nation.

"We beg your forgiveness for our wrongs and guide us to do right by your creatures of this earth. Help us to keep you, Lord, in our hearts and minds as we perform the tasks that we, in our own ways, believe to be important.

"As we approach the end of this session of the North Carolina General Assembly, we beg of you that our mistakes might soon fade into oblivion or, at least, get fixed in the next session. We have most surely done some good and important tasks here. We pray they endure.

"Lord, we come to you humbly with gratitude and pleadings. In God's name we pray, Amen."

The Chair grants leaves of absence for today to Senator Carrington, Senator Dorsett, Senator Foxx, Senator Garrou, Senator Garwood, Senator Holloman, Senator Rucho, Senator Shaw and Senator Sloan.

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

### ENROLLED BILLS

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

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**S.B. 916**, AN ACT TO ESTABLISH CIVIL NO-CONTACT ORDERS FOR THE PROTECTION OF EMPLOYEES FROM WORKPLACE VIOLENCE.

**S.B. 991**, AN ACT TO IMPROVE STATE GOVERNMENT INFORMATION TECHNOLOGY PLANNING, ADOPT STANDARDS, MAKE PROJECT DEVELOPMENT MORE EFFICIENT, REDUCE COST OVERRUNS, PROVIDE ASSISTANCE TO STATE AGENCIES, AND INCREASE ACCOUNTABILITY.

**H.B. 1427**, AN ACT TO AMEND THE STATUTES GOVERNING THE CULTIVATION OF SHELLFISH AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO STUDY ISSUES RELATED TO THE CULTIVATION OF SHELLFISH.

**H.B. 1429**, AN ACT TO REQUIRE FISHERY MANAGEMENT PLANS TO ACHIEVE SUSTAINABLE HARVEST RATHER THAN OPTIMAL YIELD AND TO SPECIFY A TIME PERIOD FOR ENDING OVERFISHING AND REBUILDING A FISHERY.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee**:

**H.B. 737** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DEFINE A UNIFORM PROGRAM OF PUBLIC CAMPAIGN FINANCING AND TO AUTHORIZE THE TOWN OF CHAPEL HILL TO CONDUCT SUCH A PROGRAM, 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, 80490, which changes the title to read **H.B. 737** (Senate Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONSTITUTIONAL REQUIREMENTS FOR REPORTING AND REGULATION OF ELECTIONEERING COMMUNICATIONS, AS APPROVED BY THE UNITED STATES SUPREME COURT; TO ADOPT CONSTITUTIONAL LIMITS FOR CORPORATE EXPENDITURES ON MASS MAILINGS AND TELEPHONE BANKS; AND TO REPEAL A DUPLICATIVE REQUIREMENT FOR OUT-OF-STATE CONTRIBUTORS, is adopted and engrossed. Upon adoption of the Senate Committee Substitute No. 3, the bill becomes a public bill.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill No. 3 is placed on today's Calendar.

### CALENDAR

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

**H.B. 1520**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GASTON COUNTY TO LEVY A TEMPORARY HALF CENT LOCAL SALES TAX FOR ECONOMIC DEVELOPMENT AND TOURISM PROJECTS, IF APPROVED BY THE VOTERS OF THE COUNTY, upon second reading.

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The bill passes its second reading, by roll-call vote, ayes 33, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Bingham, Blake, Carpenter, Clodfelter, Dalton, Dannelly, Forrester, Hargett, Hartsell, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Purcell, Queen, Rand, Reeves, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Weinstein and White—33.

Voting in the negative: Senators Berger, Brock, Pittenger, Shubert and Webster—5.

The bill remains on the Calendar for tomorrow, Sunday, July 18, upon third reading.

**H.B. 142** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DARE COUNTY TO LEVY AN ADDITIONAL ONE PERCENT SALES AND USE TAX THE PROCEEDS OF WHICH SHALL BE USED FOR BEACH NOURISHMENT, for adoption upon second reading.

Upon motion of Senator Hoyle, the Senate adopts the conference report on its second reading, by roll-call vote, ayes 33, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Bingham, Blake, Carpenter, Clodfelter, Dalton, Dannelly, Forrester, Hargett, Hartsell, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Weinstein and White—33.

Voting in the negative: Senators Berger, Brock, Moore, Shubert and Webster—5.

The Conference Report remains on the Calendar for tomorrow, Sunday, July 18, for adoption upon third reading.

**H.B. 1348** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, for adoption.

Upon motion of Senator Hoyle, the Senate adopts the Conference Report (35-4).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

**S.B. 74** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING WINERY PERMITS, 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 36, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Berger, Bingham, Blake, Brock, Carpenter, Clodfelter, Dalton, Dannelly, Forrester, Hargett, Hartsell, Horton, Hoyle, Hunt, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Purcell, Queen, Rand, Reeves, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein and White—36.

Voting in the negative: None.

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

**H.B. 1264** (Conference Report), A BILL TO BE ENTITLED AN ACT (1) TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE VITAL STATE FACILITIES FOR HEALTH CARE AND HIGHER EDUCATION NEEDS AND FOR JUVENILE DETENTION; (2) TO REQUIRE THE TOBACCO

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TRUST FUND AND THE HEALTH AND WELLNESS TRUST FUND TO PROVIDE THE DEBT SERVICE FOR THIS INDEBTEDNESS; (3) TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, THE PRESERVATION OF NATURAL HERITAGE, AND CLEAN WATER CONSERVATION AND TO USE FUNDS CURRENTLY DEDICATED TO THESE PURPOSES TO REPAY THE INDEBTEDNESS; (4) TO REQUIRE THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY TO ALLOCATE FUNDS GEOGRAPHICALLY ACROSS THE STATE; (5) TO MAKE CLARIFYING CHANGES; (6) TO CREATE THE DEBT AFFORDABILITY ADVISORY COMMITTEE; (7) TO DIRECT THE UNIVERSITY OF NORTH CAROLINA AND THE STATE BOARD OF COMMUNITY COLLEGES TO CONDUCT A STUDY OF UNIVERSITY AND COMMUNITY COLLEGE PROGRAMMING AND CAPITAL NEEDS; AND (8) TO DIRECT THE STATE TREASURER TO STUDY THE POTENTIAL COSTS AND BENEFITS OF INNOVATIVE STATE FINANCING, for adoption upon third reading.

Upon motion of Senator Kerr, the President orders, without objection, the Conference Report temporarily displaced.

**S.B. 137** (Conference Report), 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 adoption.

Upon motion of Senator Clodfelter, the Senate adopts the Conference Report (34-5).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

**H.B. 281** (Conference Report), 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, for adoption.

Upon motion of Senator Clodfelter, the Senate adopts the Conference Report (36-3).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

**H.B. 737** (Senate Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONSTITUTIONAL REQUIREMENTS FOR REPORTING AND REGULATION OF ELECTIONEERING COMMUNICATIONS, AS APPROVED BY THE UNITED STATES SUPREME COURT; TO ADOPT CONSTITUTIONAL LIMITS FOR CORPORATE EXPENDITURES ON MASS MAILINGS AND TELEPHONE BANKS; AND TO REPEAL A DUPLICATIVE REQUIREMENT FOR OUT-OF-STATE CONTRIBUTORS, placed earlier on today's Calendar.

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Senator Shubert offers a motion to re-refer the Senate Committee Substitute bill No. 3 to a Judiciary committee, which motion fails (18-22).

Senator Berger offers Amendment No. 1 which fails of adoption (18-22).

Senator Berger offers Amendment No. 2.

Senator Rand offers a motion that Amendment No. 2 lie upon the table, seconded by Senator Dalton. The motion prevails (22-18).

Senator Rand calls the previous question on the passage of the bill, seconded by Senator Dalton. The motion prevails (22-18).

Senator Webster inquires of the Chair as to the germaneness of Senate Committee Substitute bill No. 3.

The President rules the Senate Committee Substitute bill No. 3 germane.

Senator Webster appeals the President's decision and calls for the ayes and noes. The call is sustained.

Senator Webster's motion to appeal the decision of germaneness, which requires a two-thirds majority vote, fails (17-22).

The Senate Committee Substitute bill No. 3 passes its second reading (32-7).

Senator Horton objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Sunday, July 18, upon third reading.

#### INTRODUCTION OF A RESOLUTION

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

By Senators Rand; Blake and Dannelly:

**S.J.R. 1445**, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY.

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

The Senate recesses at 12:49 P.M. 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.

*Upon the appearance of Senator Dorsett in the Chamber, the Chair acknowledges her presence and the leave of absence granted previously is withdrawn.*

*Upon the appearance of Senator Garrou in the Chamber, the Chair acknowledges her presence and the leave of absence granted previously is withdrawn.*

The Senate recesses at 5:32 P.M. to reconvene at 8:00 P.M., subject to ratification of bills, receipt of messages from the House of Representatives, and receipt of committee reports and conference reports.

July 17, 2004

**SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

**S.B. 577** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RAISE THE JURISDICTIONAL AMOUNT FOR SMALL CLAIMS ACTIONS TO FIVE THOUSAND DOLLARS, TO CLARIFY JURISDICTION FOR REVOCATION OF PROBATION WHEN PLEAS WERE ENTERED IN DISTRICT COURT, TO DEFINE DRUG TREATMENT COURT AS AN INTERMEDIATE PUNISHMENT, TO REQUIRE THE COURT TO GIVE NOTICE OF RIGHTS TO CONTEST MECHANICS' LIEN STORAGE CHARGES OF VEHICLES SEIZED UNDER THE DWI FORFEITURE LAWS, TO PERMIT CLERKS OF COURT TO GRANT DIVORCES IN UNCONTESTED ABSOLUTE DIVORCE ACTIONS, TO TERMINATE AS A MATTER OF LAW CERTAIN PARENTAL RIGHTS OF A PERSON CONVICTED OF CERTAIN CRIMES THAT RESULT IN THE VICTIM BECOMING PREGNANT, AND TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO CHANGE THE TERM OF OFFICE OF MAGISTRATES FOR AN INITIAL TERM OF TWO YEARS AND SUBSEQUENT TERMS OF FOUR YEARS, 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 for concurrence in the House Committee Substitute bill.

House of Representatives  
July 17, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **S.B. 1118** (Conference Report), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR THE FIRST IN FORESTRY SPECIAL PLATE, TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO AUTHORIZE DMV TO ISSUE THE FOLLOWING NEW SPECIAL PLATES: DAUGHTERS OF THE AMERICAN REVOLUTION, EL PUEBLO, HOMES4NC, NC 4-H DEVELOPMENT FUND, SPORT FISHING, COMMERCIAL FISHING, AND A HIGH SCHOOL INSIGNIA PLATE.

Pursuant to your message that you have adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,  
S/Denise Weeks  
Principal Clerk

July 17, 2004

Pursuant to the Senate having adopted the Conference Report for S.B. 1118 on July 16, the bill is ordered enrolled and sent to the Governor by special message.

House of Representatives  
July 17, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 1264** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT (1) TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE VITAL STATE FACILITIES FOR HEALTH CARE AND HIGHER EDUCATION NEEDS AND FOR JUVENILE DETENTION; (2) TO REQUIRE THE TOBACCO TRUST FUND AND THE HEALTH AND WELLNESS TRUST FUND TO PROVIDE THE DEBT SERVICE FOR THIS INDEBTEDNESS; (3) TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, THE PRESERVATION OF NATURAL HERITAGE, AND CLEAN WATER CONSERVATION AND TO USE FUNDS CURRENTLY DEDICATED TO THESE PURPOSES TO REPAY THE INDEBTEDNESS; (4) TO REQUIRE THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY TO ALLOCATE FUNDS GEOGRAPHICALLY ACROSS THE STATE; (5) TO MAKE CLARIFYING CHANGES; (6) TO CREATE THE DEBT AFFORDABILITY ADVISORY COMMITTEE; (7) TO DIRECT THE UNIVERSITY OF NORTH CAROLINA AND THE STATE BOARD OF COMMUNITY COLLEGES TO CONDUCT A STUDY OF UNIVERSITY AND COMMUNITY COLLEGE PROGRAMMING AND CAPITAL NEEDS; AND (8) TO DIRECT THE STATE TREASURER TO STUDY THE POTENTIAL COSTS AND BENEFITS OF INNOVATIVE STATE FINANCING.

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 17, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 1348** (Conference

July 17, 2004

Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

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 17, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 1463** (Conference Report), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION.

Pursuant to your message that you have adopted the report of the Conferees, we will order the bill enrolled.

Respectfully,  
Denise G. Weeks  
Principal Clerk

House of Representatives  
July 17, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the Speaker adds Representatives B. Allen, Hunter, McComas, Decker, Jeffus, and Justus as conferees for **H.B. 1464** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE BY TEN THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN LOCAL SCHOOL ADMINISTRATIVE UNITS THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT LOCAL BOARDS OF EDUCATION SCHEDULE FIVE NONINSTRUCTIONAL TEACHER WORKDAYS AT THE BEGINNING OF THE SCHOOL YEAR AND AT THE END OF EACH ACADEMIC QUARTER, AND THAT THESE DAYS

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ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES; TO PROVIDE THAT NONINSTRUCTIONAL TEACHER WORKDAYS MAY CONTINUE TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE AND TO REQUIRE AT LEAST TWO OF THOSE DAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO ALLOW ANY OF THE NONINSTRUCTIONAL TEACHER WORKDAYS THAT ARE SCHEDULED BY THE SCHOOL'S PRINCIPAL TO BE DESIGNATED AS MAKE-UP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL" AS HAVING A SCHOOL CALENDAR THAT COVERS AT LEAST ELEVEN CALENDAR MONTHS; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW.

Pursuant to your message that you have adopted the report of the Conferees, we will order the bill enrolled.

Respectfully,  
Denise G. Weeks  
Principal Clerk

House of Representatives  
July 17, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the Speaker has dismissed the conferees on **H.B. 1547**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE OUTSIDE ITS JURISDICTION AND TO GRANT SEVERABLE DEVELOPMENT RIGHTS WITHIN ITS JURISDICTION.

Respectfully,  
S/Denise Weeks  
Principal Clerk

July 17, 2004

**ENROLLED BILLS**

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

**S.B. 74**, AN ACT CONCERNING WINERY PERMITS.

**S.B. 1128**, AN ACT TO AUTHORIZE THE NORTH CAROLINA DEPARTMENT OF JUSTICE TO CHARGE EACH APPLICANT FOR A LOCKSMITH LICENSE OR AN APPRENTICE DESIGNATION A CRIMINAL HISTORY RECORD CHECK FEE AND TO MAKE A TECHNICAL CORRECTION.

**H.B. 1213**, AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PAY MONETARY COMPENSATION FOR REMOVAL OF LAWFULLY ERECTED OFF-PREMISES OUTDOOR ADVERTISING SIGNS AND TO AUTHORIZE LOCAL GOVERNMENTS TO ENTER INTO RELOCATION AND RECONSTRUCTION AGREEMENTS WITH OWNERS OF NONCONFORMING OFF-PREMISES OUTDOOR ADVERTISING SIGNS.

**H.B. 1636**, AN ACT TO PROVIDE TAX CREDITS FOR DISPENSING AND PROCESSING RENEWABLE FUELS.

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

**H.B. 1547**, AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE OUTSIDE ITS JURISDICTION.

**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. 1060**, AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. (Became law upon ratification, July 16, 2004 - S.L. 2004-105.)

**S.B. 1181**, AN ACT TO MODIFY THE ADMINISTRATIVE PROVISIONS OF THE ALLEGHANY OCCUPANCY TAX. (Became law upon ratification, July 16, 2004 - S.L. 2004-106.)

**S.B. 1343**, AN ACT TO ANNEX TO THE CITY OF WHITEVILLE THE EXISTING DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY OF US HIGHWAYS 74/76 AND 701 AROUND THE OVERPASS AREA TO HELP ACCOMMODATE THE MAINTENANCE REQUIREMENTS OF THE INTERCHANGE LIGHTING PROJECT. (Became law upon ratification, July 16, 2004 - S.L. 2004-107.)

July 17, 2004

**H.B. 1422**, AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS IN MINT HILL AND MUNICIPAL EMPLOYEES AND LAW ENFORCEMENT OFFICERS OF THE CITY OF KINGS MOUNTAIN TO OPERATE UNREGISTERED ALL-TERRAIN VEHICLES ON HIGHWAYS WITH SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS. (Became law upon ratification, July 16, 2004 - S.L. 2004-108.)

### REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills and a resolution are read by their titles, together with the report 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. 1671**, A BILL TO BE ENTITLED AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY, with a favorable report.

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

**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, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85370, which changes the title to read **S.B. 64** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE VARIOUS CHANGES TO BOARDS AND COMMISSIONS, is adopted and engrossed.

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

**S.J.R. 1445**, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY, 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 64577, is adopted and engrossed.

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

### RECESS

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

The Senate recesses at 8:05 P.M. to reconvene at 8:15 P.M.

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**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**

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

By Senator Rand for the **Rules and Operations of the Senate Committee:**

**H.B. 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, 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 30588, which changes the title to read **H.B. 208** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN ORGANIZATIONAL SESSION OF THE GENERAL ASSEMBLY ON THE SECOND MONDAY IN JANUARY AND FOR ADJOURNMENT UNTIL THE THIRD MONDAY AFTER THE INITIAL CONVENING WHEN A HOUSE HAS COMPLETED ITS ORGANIZATIONAL TASKS, is adopted and engrossed.

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

**CONFERENCE REPORT**

Senator Garrou for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1414** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY

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THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE, submits for adoption the following report:

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

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1414, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE, Senate Appropriations/Base Budget Committee Substitute Adopted 6/22/04, Sixth Edition Engrossed 6/24/04, submit the following report:

The House and Senate agree to the following amendment to the Senate Appropriations/Base Budget Committee Substitute Adopted 6/22/04, Sixth Edition Engrossed 6/24/04, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Appropriations/Base Budget Committee Substitute Adopted 6/22/04, Sixth Edition Engrossed 6/24/04 and substitute the attached Proposed Conference Committee Substitute H1414-PCCS30589-LR-2.

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

Date Conferees approved report: July 17, 2004.

*Conferees for the Senate*

S/Linda Garrou, Chair  
S/Kay R. Hagan, Chair  
S/Walter H. Dalton, Chair  
S/Charles W. Albertson  
S/Daniel G. Clodfelter  
S/Charlie Smith Dannelly  
S/Katie G. Dorsett  
S/Fletcher L. Hartsell, Jr.  
Robert Lee Hollomon  
S/David W. Hoyle  
S/Clark Jenkins  
S/John H. Kerr, III  
S/Jeanne Hopkins Lucas  
Vernon Malone  
S/William R. Purcell  
S/Tony Rand  
S/Eric Miller Reeves

*Conferees for the House of Representatives*

S/Rex L. Baker, Chair  
S/Debbie A. Clary, Chair  
S/James W. Crawford, Jr., Chair  
Beverly M. Earle, Chair  
S/W. Robert Grady, Chair  
S/William C. Owens, Jr., Chair  
S/Wilma M. Sherrill, Chair  
S/Thomas E. Wright, Chair  
S/Martha B. Alexander  
S/Gordon P. Allen  
S/Jeffrey L. Barnhart  
S/Harold J. Brubaker  
S/E. Nelson Cole  
S/William T. Culpepper, III  
S/W. Pete Cunningham  
S/William G. Daughtridge, Jr.  
S/Jean Farmer-Butterfield

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S/A. B. Swindell	S/Stanley H. Fox
S/Scott Thomas	S/Mitch Gillespie
S/David F. Weinstein	S/Michael A. Gorman
	S/Joe Hackney
	S/R. Phillip Haire
	Mark K. Hilton
	S/Julia C. Howard
	S/Howard J. Hunter, Jr.
	S/Verla C. Insko
	S/Maggie Jeffus
	S/Linda P. Johnson
	S/Carolyn H. Justice
	S/Carolyn K. Justus
	S/Joe L. Kiser
	Stephen A. LaRoque
	S/Paul Luebke
	S/Daniel F. McComas
	S/William C. McGee
	S/Marian N. McLawhorn
	David M. Miner
	S/Edd Nye
	S/Earline W. Parmon
	Jean R. Preston
	S/John I. Sauls
	S/Bonner L. Stiller
	S/Joe P. Tolson
	S/William L. Wainwright
	S/Jennifer Weiss
	S/Roger West
	S/Keith P. Williams
	S/Douglas Y. Yongue

Upon motion of Senator Garrou, the rules are suspended and the Conference Report is placed on today's Calendar for adoption.

#### **SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

**S.B. 823** (House Committee Substitute No. 2), 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) MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS; (3) ABOLISH OBSOLETE AND INACTIVE COUNCILS; (4) EXTEND BY ONE YEAR THE TIME FOR THE DEVELOPMENT OF PERMANENT RULES RELATED TO WATER CONSERVATION PURSUANT TO SECTION 3 OF S.L. 2002-167; (5) PROVIDE FOR STAGGERED TERMS FOR THE MEMBERS OF THE AGRICULTURAL FINANCE AUTHORITY, TO MAKE APPOINTMENTS TO THE AUTHORITY,

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AND SPECIFY THE MAXIMUM NUMBER OF SUCCESSIVE TERMS THAT MEMBERS OF THE AUTHORITY MAY SERVE; AND (6) PROHIBIT THE SALE OR DISPENSING OF RAW MILK, AND TO PROVIDE FOR FILLING VACANCIES IN LEGISLATIVE APPOINTMENTS IN CERTAIN CIRCUMSTANCES, for concurrence in the House Committee Substitute bill No. 2.

The rules are suspended and the House Committee Substitute bill No. 2 is placed on today's Calendar for concurrence in the House Committee Substitute bill No. 2.

House of Representatives  
July 17, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 281** (Conference 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.

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

Respectfully,  
S/Denise Weeks  
Principal Clerk

**CALENDAR** (*continued*)

**H.B. 1264** (Conference Report), A BILL TO BE ENTITLED AN ACT (1) TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE VITAL STATE FACILITIES FOR HEALTH CARE AND HIGHER EDUCATION NEEDS AND FOR JUVENILE DETENTION; (2) TO REQUIRE THE TOBACCO TRUST FUND AND THE HEALTH AND WELLNESS TRUST FUND TO PROVIDE THE DEBT SERVICE FOR THIS INDEBTEDNESS; (3) TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, THE PRESERVATION OF NATURAL HERITAGE, AND CLEAN WATER CONSERVATION AND TO USE FUNDS CURRENTLY DEDICATED TO THESE PURPOSES TO REPAY THE INDEBTEDNESS; (4) TO REQUIRE THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY TO ALLOCATE FUNDS GEOGRAPHICALLY ACROSS THE STATE; (5) TO MAKE CLARIFYING CHANGES; (6) TO CREATE THE DEBT AFFORDABILITY ADVISORY COMMITTEE; (7) TO DIRECT THE UNIVERSITY OF NORTH CAROLINA AND THE STATE BOARD OF COMMUNITY COLLEGES TO CONDUCT A STUDY OF UNIVERSITY AND COMMUNITY COLLEGE PROGRAMMING AND CAPITAL NEEDS; AND (8) TO DIRECT THE STATE TREASURER TO STUDY

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THE POTENTIAL COSTS AND BENEFITS OF INNOVATIVE STATE FINANCING, for adoption upon third reading, temporarily displaced earlier.

Upon motion of Senator Kerr, the Senate adopts the Conference Report on its third reading, by roll-call vote, ayes 36, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Bingham, Blake, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Hagan, Hargett, Hartsell, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Purcell, Queen, Rand, Reeves, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Weinstein and White—36.

Voting in the negative: Senators Berger, Brock, Horton, Pittenger, Shubert and Webster—6.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

### SUPPLEMENTAL CALENDAR

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

**H.B. 1671**, A BILL TO BE ENTITLED AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY, placed earlier on today's Supplemental Calendar.

The bill passes its second (42-0) and third readings and is ordered enrolled.

**S.B. 577** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RAISE THE JURISDICTIONAL AMOUNT FOR SMALL CLAIMS ACTIONS TO FIVE THOUSAND DOLLARS, TO CLARIFY JURISDICTION FOR REVOCATION OF PROBATION WHEN PLEAS WERE ENTERED IN DISTRICT COURT, TO DEFINE DRUG TREATMENT COURT AS AN INTERMEDIATE PUNISHMENT, TO REQUIRE THE COURT TO GIVE NOTICE OF RIGHTS TO CONTEST MECHANICS' LIEN STORAGE CHARGES OF VEHICLES SEIZED UNDER THE DWI FORFEITURE LAWS, TO PERMIT CLERKS OF COURT TO GRANT DIVORCES IN UNCONTESTED ABSOLUTE DIVORCE ACTIONS, TO TERMINATE AS A MATTER OF LAW CERTAIN PARENTAL RIGHTS OF A PERSON CONVICTED OF CERTAIN CRIMES THAT RESULT IN THE VICTIM BECOMING PREGNANT, AND TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO CHANGE THE TERM OF OFFICE OF MAGISTRATES FOR AN INITIAL TERM OF TWO YEARS AND SUBSEQUENT TERMS OF FOUR YEARS, placed earlier on today's Supplemental Calendar, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill on its second reading by a three-fifths majority vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Hagan, Hargett, Hartsell, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein and White—42.

Voting in the negative: None.

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The Senate concurs in the House Committee Substitute bill on its third reading by a three-fifths majority vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger, Bingham, Blake, Brock, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Hagan, Hargett, Hartsell, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein and White—42.

Voting in the negative: None.

The bill is ordered enrolled and sent to the Governor by special message.

**H.B. 208** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN ORGANIZATIONAL SESSION OF THE GENERAL ASSEMBLY ON THE SECOND MONDAY IN JANUARY AND FOR ADJOURNMENT UNTIL THE THIRD MONDAY AFTER THE INITIAL CONVENING WHEN A HOUSE HAS COMPLETED ITS ORGANIZATIONAL TASKS, placed earlier on today's Supplemental Calendar.

The Senate Committee Substitute bill passes its second (41-1) and third readings and is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill.

**S.B. 823** (House Committee Substitute No. 2), 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) MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS; (3) ABOLISH OBSOLETE AND INACTIVE COUNCILS; (4) EXTEND BY ONE YEAR THE TIME FOR THE DEVELOPMENT OF PERMANENT RULES RELATED TO WATER CONSERVATION PURSUANT TO SECTION 3 OF S.L. 2002-167; (5) PROVIDE FOR STAGGERED TERMS FOR THE MEMBERS OF THE AGRICULTURAL FINANCE AUTHORITY, TO MAKE APPOINTMENTS TO THE AUTHORITY, AND SPECIFY THE MAXIMUM NUMBER OF SUCCESSIVE TERMS THAT MEMBERS OF THE AUTHORITY MAY SERVE; AND (6) PROHIBIT THE SALE OR DISPENSING OF RAW MILK, AND TO PROVIDE FOR FILLING VACANCIES IN LEGISLATIVE APPOINTMENTS IN CERTAIN CIRCUMSTANCES, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Albertson, the Senate concurs in the House Committee Substitute bill No. 2 (40-1) and the measure is ordered enrolled and sent to the Governor by special message.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

House of Representatives  
July 17, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 1414** (Conference

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Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE.

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

Respectfully,  
Denise G. Weeks  
Principal Clerk

**SUPPLEMENTAL CALENDAR** (*continued*)

**S.B. 64** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE VARIOUS CHANGES TO BOARDS AND COMMISSIONS, placed earlier on today's Supplemental Calendar.

Senator Hoyle offers Amendment No. 1 which is adopted (41-0), and changes the title to read **S.B. 64** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE VARIOUS CHANGES TO BOARDS AND COMMISSIONS.

The Committee Substitute bill, as amended, passes its second (41-0) and third readings and is ordered engrossed and sent to the House of Representatives, by special message.

The Senate recesses at 9:00 P.M. to reconvene at 10:00 P.M.

**RECESS**

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

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

**SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

**S.B. 657** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT OPERATORS OF TANNING EQUIPMENT SHALL PROVIDE WARNING STATEMENTS TO CONSUMERS REGARDING THE HAZARDS OF EXPOSURE TO ULTRAVIOLET RADIATION AND SHALL OBTAIN A CONSUMER'S ACKNOWLEDGMENT OF THE WARNING BEFORE THE CONSUMER'S INITIAL USE; TO PROVIDE THAT OPERATORS SHALL

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NOT ALLOW A PERSON 13 YEARS AND YOUNGER TO USE TANNING EQUIPMENT WITHOUT A WRITTEN PRESCRIPTION; TO PROHIBIT OPERATORS AND OWNERS FROM CLAIMING THAT USING TANNING EQUIPMENT IS SAFE; TO PERMIT THE RADIATION PROTECTION COMMISSION TO ADOPT RULES IMPLEMENTING THIS ACT THAT SHALL BE ENFORCED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES; TO DEFINE THE TERMS "CONSUMER", "TANNING FACILITY", AND "TANNING EQUIPMENT"; AND TO MAKE THIS ACT EFFECTIVE OCTOBER 1, 2004, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill No. 2 is placed on today's Supplemental Calendar for concurrence in the House Committee Substitute bill No. 2.

**S.B. 805** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BEAUTIFY THE STATE GOVERNMENT MALL, 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.

House of Representatives  
July 17, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **S.B. 137** (Conference Report), 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 your message that you have adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,  
S/Denise Weeks  
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for S.B. 137 earlier today, the bill is ordered enrolled and sent to the Governor by special message.

*The Chair grants leaves of absence for the remainder of today's session to Senator Hartsell and Senator Kerr.*

**SUPPLEMENTAL CALENDAR** *(continued)*

**S.B. 657** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT OPERATORS OF TANNING EQUIPMENT SHALL

July 17, 2004

PROVIDE WARNING STATEMENTS TO CONSUMERS REGARDING THE HAZARDS OF EXPOSURE TO ULTRAVIOLET RADIATION AND SHALL OBTAIN A CONSUMER'S ACKNOWLEDGMENT OF THE WARNING BEFORE THE CONSUMER'S INITIAL USE; TO PROVIDE THAT OPERATORS SHALL NOT ALLOW A PERSON 13 YEARS AND YOUNGER TO USE TANNING EQUIPMENT WITHOUT A WRITTEN PRESCRIPTION; TO PROHIBIT OPERATORS AND OWNERS FROM CLAIMING THAT USING TANNING EQUIPMENT IS SAFE; TO PERMIT THE RADIATION PROTECTION COMMISSION TO ADOPT RULES IMPLEMENTING THIS ACT THAT SHALL BE ENFORCED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES; TO DEFINE THE TERMS "CONSUMER", "TANNING FACILITY", AND "TANNING EQUIPMENT"; AND TO MAKE THIS ACT EFFECTIVE OCTOBER 1, 2004, for concurrence in the House Committee Substitute bill No. 2, placed earlier on today's Supplemental Calendar.

Upon motion of Senator Forrester, the Senate concurs in the House Committee Substitute bill No. 2 (39-1) and the measure is ordered enrolled and sent to the Governor by special message.

*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. 805** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BEAUTIFY THE STATE GOVERNMENT MALL, for concurrence in the House Committee Substitute bill, placed earlier on today's Supplemental Calendar.

Upon motion of Senator Rand, the President *Pro Tempore* orders the House Committee Substitute bill temporarily displaced.

#### WITHDRAWN FROM CALENDAR

**H.B. 737** (Senate Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONSTITUTIONAL REQUIREMENTS FOR REPORTING AND REGULATION OF ELECTIONEERING COMMUNICATIONS, AS APPROVED BY THE UNITED STATES SUPREME COURT; TO ADOPT CONSTITUTIONAL LIMITS FOR CORPORATE EXPENDITURES ON MASS MAILINGS AND TELEPHONE BANKS; AND TO REPEAL A DUPLICATIVE REQUIREMENT FOR OUT-OF-STATE CONTRIBUTORS, placed on the Calendar for July 18.

Senator Horton withdraws his previous objection to third reading and, upon motion by Senator Rand, the Senate Committee Substitute bill No. 3 is withdrawn from the Calendar for Sunday, July 18, and placed on today's Supplemental Calendar for immediate consideration.

Having voted with the majority, Senator Rand offers a motion that the vote by which the question was called on the passage of the Senate Committee Substitute bill No. 3 be reconsidered, which motion prevails (40-1).

Senator Rand offers Amendment No. 3 which is adopted (41-1).

The Senate Committee Substitute bill No. 3, as amended, passes its third reading (35-7) and is ordered engrossed and sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill No. 3.

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**S.B. 805** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BEAUTIFY THE STATE GOVERNMENT MALL, for concurrence in the House Committee Substitute bill, temporarily displaced earlier.

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.

**H.B. 1414** (Conference Report), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE, placed earlier on today's Supplemental Calendar for adoption.

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

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

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

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

Upon motion of Senator Garrou, the Senate adopts the Conference Report (21-17).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

#### ENROLLED BILLS

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

**S.B. 577**, AN ACT TO RAISE THE JURISDICTIONAL AMOUNT FOR SMALL CLAIMS ACTIONS TO FIVE THOUSAND DOLLARS, TO CLARIFY JURISDICTION FOR REVOCATION OF PROBATION WHEN PLEAS WERE ENTERED IN DISTRICT COURT, TO DEFINE DRUG TREATMENT COURT AS AN INTERMEDIATE PUNISHMENT, TO REQUIRE THE COURT TO GIVE NOTICE OF RIGHTS TO CONTEST MECHANICS' LIEN STORAGE CHARGES OF VEHICLES SEIZED UNDER THE DWI FORFEITURE LAWS, TO PERMIT CLERKS OF COURT TO GRANT DIVORCES IN UNCONTESTED ABSOLUTE DIVORCE ACTIONS, TO TERMINATE AS A MATTER OF LAW CERTAIN PARENTAL RIGHTS OF A PERSON CONVICTED OF CERTAIN CRIMES THAT RESULT IN THE VICTIM BECOMING PREGNANT, AND TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO CHANGE THE TERM OF OFFICE OF MAGISTRATES FOR AN INITIAL TERM OF TWO YEARS AND SUBSEQUENT TERMS OF FOUR YEARS.

**S.B. 823**, AN ACT TO AMEND VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES TO: (1) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS; (2) MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS; (3) ABOLISH OBSOLETE AND INACTIVE COUNCILS; (4)

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EXTEND BY ONE YEAR THE TIME FOR THE DEVELOPMENT OF PERMANENT RULES RELATED TO WATER CONSERVATION PURSUANT TO SECTION 3 OF S.L. 2002-167; (5) PROVIDE FOR STAGGERED TERMS FOR THE MEMBERS OF THE AGRICULTURAL FINANCE AUTHORITY, TO MAKE APPOINTMENTS TO THE AUTHORITY, AND SPECIFY THE MAXIMUM NUMBER OF SUCCESSIVE TERMS THAT MEMBERS OF THE AUTHORITY MAY SERVE; AND (6) PROHIBIT THE SALE OR DISPENSING OF RAW MILK, AND TO PROVIDE FOR FILLING VACANCIES IN LEGISLATIVE APPOINTMENTS IN CERTAIN CIRCUMSTANCES.

**S.B. 1118**, AN ACT TO INCREASE THE FEE FOR THE FIRST IN FORESTRY SPECIAL PLATE, TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO AUTHORIZE DMV TO ISSUE THE FOLLOWING NEW SPECIAL PLATES: DAUGHTERS OF THE AMERICAN REVOLUTION, EL PUEBLO, HOMES4NC, NC 4-H DEVELOPMENT FUND, SPORT FISHING, COMMERCIAL FISHING, AND A HIGH SCHOOL INSIGNIA PLATE.

**H.B. 831**, AN ACT TO ESTABLISH THE NORTH CAROLINA SALTWATER FISHING FUND AND LICENSE AND TO PROVIDE THAT VACANCIES MAY BE FILLED IN CERTAIN OFFICES DURING A HOLDOVER PERIOD.

**H.B. 1264**, AN ACT (1) TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE VITAL STATE FACILITIES FOR HEALTH CARE AND HIGHER EDUCATION NEEDS AND FOR JUVENILE DETENTION; (2) TO REQUIRE THE TOBACCO TRUST FUND AND THE HEALTH AND WELLNESS TRUST FUND TO PROVIDE THE DEBT SERVICE FOR THIS INDEBTEDNESS; (3) TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, THE PRESERVATION OF NATURAL HERITAGE, AND CLEAN WATER CONSERVATION AND TO USE FUNDS CURRENTLY DEDICATED TO THESE PURPOSES TO REPAY THE INDEBTEDNESS; (4) TO REQUIRE THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY TO ALLOCATE FUNDS GEOGRAPHICALLY ACROSS THE STATE; (5) TO MAKE CLARIFYING CHANGES; (6) TO CREATE THE DEBT AFFORDABILITY ADVISORY COMMITTEE; (7) TO DIRECT THE UNIVERSITY OF NORTH CAROLINA AND THE STATE BOARD OF COMMUNITY COLLEGES TO CONDUCT A STUDY OF UNIVERSITY AND COMMUNITY COLLEGE PROGRAMMING AND CAPITAL NEEDS; AND (8) TO DIRECT THE STATE TREASURER TO STUDY THE POTENTIAL COSTS AND BENEFITS OF INNOVATIVE STATE FINANCING.

**H.B. 1414**, AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE.

**H.B. 1463**, AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION.

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

**H.B. 1348**, AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

**H.B. 1671**, AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY.

Upon motion of Senator Dannelly, seconded by Senator Hagan, the Senate adjourns at 11:57 P.M. to meet tomorrow, Sunday, July 18, at 12:30 A.M.

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### ONE HUNDRED FORTY-NINTH DAY

Senate Chamber  
Sunday, July 18, 2004

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 H. Lucas, Senator from Durham County, as follows:

"Lord, this is Sunday morning in North Carolina and we, your servants, know that you have said where two or three are gathered in your name, agreeing on the same thing that you are there in the midst.

"Holy spirit, comfort us in our sorrow, guide us in our confusion, and forgive us when we contribute to the world's sin and destruction.

"As we depart from this General Assembly, grant us the peace that passes all understanding, make us instruments of your love in this violent and sinful world.

"God, be with us until we meet again. By your counsel uplift us, with your arms enfold us. Be with us until we meet again. In your mighty and precious name, we pray, Amen."

The Chair grants leaves of absence for today to Senator Bingham, Senator Carrington, Senator Foxx, Senator Garwood, Senator Hagan, Senator Hartsell, Senator Rucho and Senator Soles.

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

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**CALENDAR**

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

**H.B. 1520**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GASTON COUNTY TO LEVY A TEMPORARY HALF CENT LOCAL SALES TAX FOR ECONOMIC DEVELOPMENT AND TOURISM PROJECTS, IF APPROVED BY THE VOTERS OF THE COUNTY, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 32, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Blake, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Hargett, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Purcell, Queen, Rand, Reeves, Sloan, Smith, Stevens, Swindell, Thomas, Weinstein and White—32.

Voting in the negative: Senators Berger, Brock, Shubert and Webster—4.

The bill is ordered enrolled.

**H.B. 142** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DARE COUNTY TO LEVY AN ADDITIONAL ONE PERCENT SALES AND USE TAX THE PROCEEDS OF WHICH SHALL BE USED FOR BEACH NOURISHMENT, for adoption upon third reading.

The Senate adopts the Conference Report on its third reading, by roll-call vote, ayes 32, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Blake, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Hargett, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Moore, Nesbitt, Purcell, Queen, Rand, Reeves, Sloan, Smith, Stevens, Swindell, Thomas, Weinstein and White—32.

Voting in the negative: Senators Berger, Brock, Shubert and Webster—4.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

**CONFERENCE REPORT**

Senator Thomas for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1464** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REDUCE BY FIVE THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN ANY LOCAL SCHOOL ADMINISTRATIVE UNITS IN A COUNTY THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ALLOW THE STATE BOARD OF EDUCATION TO GRANT EXEMPTIONS FROM THE OPENING AND CLOSING DATE REQUIREMENT FOR PURPOSES OF ACCOMMODATING SPECIAL PROGRAMS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST;

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TO PROVIDE THAT FIVE NONINSTRUCTIONAL TEACHER WORKDAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES AND ARE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO PROVIDE THAT THE REMAINING NONINSTRUCTIONAL TEACHER WORKDAYS ARE SCHEDULED BY THE LOCAL BOARD OF EDUCATION IN CONSULTATION WITH EACH SCHOOL'S PRINCIPAL FOR USE AS TEACHER WORKDAYS, ADDITIONAL INSTRUCTIONAL DAYS, OR OTHER LAWFUL PURPOSES AND MAY BE DESIGNATED AS MAKEUP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL"; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO DIRECT THE STATE BOARD OF EDUCATION TO STUDY NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW, 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 1464, A BILL TO BE ENTITLED AN ACT TO REDUCE BY FIVE THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS OR IN SCHOOLS IN ANY LOCAL SCHOOL ADMINISTRATIVE UNITS IN A COUNTY THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS; TO ALLOW THE STATE BOARD OF EDUCATION TO GRANT EXEMPTIONS FROM THE OPENING AND CLOSING DATE REQUIREMENT FOR PURPOSES OF ACCOMMODATING SPECIAL PROGRAMS; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT FIVE NONINSTRUCTIONAL TEACHER WORKDAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES AND ARE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT

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LEAVE; TO PROVIDE THAT THE REMAINING NONINSTRUCTIONAL TEACHER WORKDAYS ARE SCHEDULED BY THE LOCAL BOARD OF EDUCATION IN CONSULTATION WITH EACH SCHOOL'S PRINCIPAL FOR USE AS TEACHER WORKDAYS, ADDITIONAL INSTRUCTIONAL DAYS, OR OTHER LAWFUL PURPOSES AND MAY BE DESIGNATED AS MAKEUP DAYS FOR DAYS MISSED DUE TO INCLEMENT WEATHER; TO DEFINE "YEAR-ROUND SCHOOL"; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO DIRECT THE STATE BOARD OF EDUCATION TO STUDY NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW, Senate Education/Higher Education Committee Substitute #2 Adopted 7/16/04, submit the following report:

Delete the entire Senate Committee Substitute #2 and substitute the attached proposed Conference Committee Substitute H1464-PCCS60538-RH-4.

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

Date Conferees approved report: July 17, 2004.

*Conferees for the Senate*

S/Sen. Scott Thomas, Chair  
 S/Sen. Tom Apodaca  
 S/Sen. Daniel G. Clodfelter  
 S/Sen. Charlie Smith Dannelly  
 S/Sen. Eric Miller Reeves  
 S/Sen. A. B. Swindell

*Conferees for the House of Representatives*

S/Rep. Constance K. Wilson, Chair  
 S/Rep. William T. Culpepper, III, Chair  
 S/Rep. Stephen W. Wood  
 S/Rep. Mark K. Hilton  
 Rep. Becky Carney  
 S/Rep. W. Robert Grady  
 S/Rep. Earline W. Parmon  
 S/Rep. Bonner L. Stiller  
 Rep. Dewey L. Hill  
 S/Rep. Keith P. Williams  
 Rep. Jennifer Weiss  
 Rep. Verla C. Insko  
 Rep. William L. Wainwright  
 S/Rep. Carolyn H. Justice

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S/Rep. Linda P. Johnson  
Rep. Beverly M. Earle  
Rep. Bernard Allen  
Rep. Michael P. Decker  
Rep. Howard J. Hunter, Jr.  
S/Rep. Maggie Jeffus  
S/Rep. Carolyn K. Justus  
S/Rep. Daniel F. McComas

The text of the attached Proposed Conference Committee Substitute, PCCS H1464-PCCS60538, which changes the title, is as follows:

A BILL TO BE ENTITLED

AN ACT TO REDUCE BY FIVE THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS, IN SCHOOLS IN ANY LOCAL SCHOOL ADMINISTRATIVE UNIT IN A COUNTY THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS, OR IN CERTAIN SCHOOLS WITH MODIFIED CALENDARS; TO ALLOW THE STATE BOARD OF EDUCATION TO GRANT EXEMPTIONS FROM THE OPENING AND CLOSING DATE REQUIREMENT FOR PURPOSES OF ACCOMMODATING SPECIAL PROGRAMS AND SCHOOLS; TO CLARIFY THAT LOCAL BOARDS OF EDUCATION MAY OFFER SUPPLEMENTAL OR ADDITIONAL PROGRAMS OUTSIDE OF THE SCHOOL CALENDAR; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT FIVE NONINSTRUCTIONAL TEACHER WORKDAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES; TO REQUIRE THAT AT LEAST SEVEN NONINSTRUCTIONAL DAYS ARE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO DIRECT THE STATE BOARD OF EDUCATION TO STUDY NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW.

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The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-84.2 reads as rewritten:

"§ 115C-84.2. **School calendar.**

(a) School Calendar. – Each local board of education shall adopt a school calendar consisting of ~~220-215~~ days all of which shall fall within the fiscal year. A school calendar shall include the following:

- (1) A minimum of 180 days and 1,000 hours of instruction covering at least nine calendar months. The local board shall designate when the 180 instructional days shall occur. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the administrative unit. Local boards may approve school improvement plans that include days with varying amounts of instructional time. If school is closed early due to inclement weather, the day and the scheduled amount of instructional hours may count towards the required minimum to the extent allowed by State Board policy. The school calendar shall include a plan for making up days and instructional hours missed when schools are not opened due to inclement weather.
- (1a) ~~(Applies only to 2002-2003 school year — See editor's note.) Notwithstanding subdivision (1) of this subsection, a local board may decide to make up a maximum of three instructional days by adding instructional hours to previously scheduled instructional days. A local board shall make this decision only if all of the following criteria are met:~~
  - a. ~~The days to be made up were missed when schools were unable to be opened due to unusual and extraordinary inclement weather conditions.~~
  - b. ~~It would cause undue hardship to parents, children, and teachers to make up those days.~~
  - e. ~~The school calendar continues to have a minimum of 1,000 instructional hours covering at least nine months.~~
  - d. ~~The additional hours must equal the regularly scheduled number of instructional hours at each school.~~

~~If a local board adds instructional hours to previously scheduled days under this subdivision, the local school administrative unit is deemed to have a minimum of 180 days of instruction, teachers employed for a 10 month term are deemed to have been employed for the days being made up, and all other employees shall be compensated as if they had worked the days being made up.~~
- (2) A minimum of 10 annual vacation leave days.
- (3) The same or an equivalent number of legal holidays occurring within the school calendar as those designated by the State Personnel Commission for State employees.
- (4) ~~Eight Five~~ days, as designated by the local board, for use as teacher workdays, additional instructional days, or other lawful

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~~purposes. A local board may delegate to the individual schools some or all of the eight days to schedule under subdivision (5) of this subsection. A local board may schedule different purposes for different personnel on any given day and is not required to schedule the same dates for all personnel-workdays. These days shall be protected to allow teachers to complete instructional and classroom administrative duties. The local school administrative unit shall not impose any additional tasks on these days. The local board shall schedule one of these days at the beginning of the school year and one at the end of each academic quarter.~~

- (5) ~~The remaining days scheduled by the local board in consultation with each school's principal for any of the purposes allowed under subdivision (4) of this subsection. use as teacher workdays, additional instructional days, or other lawful purposes. Before scheduling these days, the principal consulting with the local board, each principal shall work with the school improvement team to determine the days to be scheduled and the purposes for which they should be scheduled. Days may be scheduled and planned for different purposes for different personnel and there is no requirement to schedule the same dates for all personnel. However, if during the last two years the local school administrative unit has made up an average of at least eight days for school closing because of inclement weather, the local board may designate up to two of these days In order to make up days for school closing because of inclement weather, the local board may designate any of the days in this subdivision as additional make-up days to be scheduled after the last day of student attendance.~~

Local boards and individual schools are encouraged to use the calendar flexibility in order to meet the annual performance standards set by the State Board. Local boards of education shall consult with parents and the employed public school personnel in the development of the school calendar.

~~Local boards and individual schools shall designate at least seven days scheduled under subdivisions (4) and (5) of this subsection as days on which teachers may take accumulated vacation leave. Local boards may designate the remaining days scheduled in subdivisions (4) and (5) of this subsection as days on which teachers may take accumulated vacation leave, but local boards shall give teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking vacation leave on days scheduled in accordance with subdivision (5) of this subsection. any of these days. A teacher may elect to waive this notice requirement for one or more such of these days.~~

(b) Limitations. – The following limitations apply when developing the school calendar:

- (1) The total number of teacher workdays for teachers employed for a 10 month term shall not exceed ~~200~~195 days.

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- (2) The calendar shall include at least 42 consecutive days when teacher attendance is not required unless: (i) the school is a year-round school; or (ii) the teacher is employed for a term in excess of 10 months. At the request of the local board of education or of the principal of a school, a teacher may elect to work on one of the 42 days when teacher attendance is not required in lieu of another scheduled workday.
- (3) School shall not be held on Sundays.
- (4) Veterans Day shall be a holiday for all public school personnel and for all students enrolled in the public schools.

(c) Emergency Conditions. – During any period of emergency in any section of the State where emergency conditions make it necessary, the State Board of Education may order general, and if necessary, extended recesses or adjournment of the public schools.

(d) Opening and Closing Dates. – Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section. Except for year-round schools, the opening date for students shall not be before August 25, and the closing date for students shall not be after June 10. On a showing of good cause, the State Board of Education may waive this requirement to the extent that school calendars are able to provide sufficient days to accommodate anticipated makeup days due to school closings. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. ~~Different opening and closing dates may be fixed for schools in the same administrative unit.~~ For purposes of this subsection, the term 'good cause' means that schools in any local school administrative unit in a county have been closed eight days per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.

The State Board also may waive this requirement for an educational purpose. The term 'educational purpose' means a local school administrative unit establishes a need to adopt a different calendar for (i) a specific school to accommodate a special program offered generally to the student body of that school, (ii) a school that primarily serves a special population of students, or (iii) a defined program within a school. The State Board may grant the waiver for an educational purpose for that specific school or defined program to the extent that the State Board finds that the educational purpose is reasonable, the accommodation is necessary to accomplish the educational purpose, and the request is not an attempt to circumvent the opening and closing dates set forth in this subsection. The waiver requests for educational purposes shall not be used to accommodate system-wide class scheduling preferences.

The required opening and closing dates under this subsection shall not apply to any school that a local board designated as having a modified calendar for the 2003-2004 school year or to any school that was part of a planned program in the 2003-2004 school year for a system of modified calendar schools, so long as the school operates under a modified calendar.

(e) Nothing in this section prohibits a local board of education from offering supplemental or additional educational programs or activities outside the calendar adopted under this section."

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**SECTION 2.** G.S. 115C-302.1(b) reads as rewritten:

"(b) Salary Payments. – State-allotted teachers shall be paid for a term of 10 months. State-allotted months of employment for vocational education to local boards shall be used for the employment of teachers of vocational and technical education for a term of employment to be determined by the local boards of education. However, local boards shall not reduce the term of employment for any vocational agriculture teacher personnel position that was 12 calendar months for the 1982-83 school year for any school year thereafter.

Each local board of education shall establish a set date on which monthly salary payments to State-allotted teachers shall be made. This set pay date may differ from the end of the month of service. The daily rate of pay for teachers shall equal ~~one twenty-second~~ midway between one twenty-first and one twenty-second of the monthly rate of pay. Except for teachers employed in a year-round school or paid in accordance with a year-round calendar, or both, the initial pay date for teachers shall be no later than August 31 and shall include a full monthly payment. Subsequent pay dates shall be spaced no more than one month apart and shall include a full monthly payment.

Teachers may be prepaid on the monthly pay date for days not yet worked. A teacher who fails to attend scheduled workdays or who has not worked the number of days for which the teacher has been paid and who resigns, is dismissed, or whose contract is not renewed shall repay to the local board any salary payments received for days not yet worked. A teacher who has been prepaid and continues to be employed by a local board but fails to attend scheduled workdays may be subject to dismissal under G.S. 115C-325 or other appropriate discipline.

Any individual teacher who is not employed in a year-round school may be paid in 12 monthly installments if the teacher so requests on or before the first day of the school year. The request shall be filed in the local school administrative unit ~~which~~ that employs the teacher. The payment of the annual salary in 12 installments instead of 10 shall not increase or decrease the teacher's annual salary nor in any other way alter the contract made between the teacher and the local school administrative unit. Teachers employed for a period of less than 10 months shall not receive their salaries in 12 installments.

Notwithstanding this subsection, the term 'daily rate of pay' for the purpose of G.S. 115C-12(8) or for any other law or policy governing pay or benefits based on the teacher salary schedule shall not exceed one twenty-second of a teacher's monthly rate of pay."

**SECTION 3.** For certified and noncertified employees employed on or after the effective date of this act, the annual rate of pay beginning with the 2005-2006 school year shall not be reduced as the result of this act. Furthermore, nothing in this act shall be construed to change the pay cycle for noncertified employees. The State Board of Education shall report annually to the Joint Legislative Education Oversight Committee on local compliance with this section.

**SECTION 4.** The State Board of Education shall study the scheduling of and purposes of noninstructional teacher workdays. As part of the study, the State Board shall consult with interested stakeholders that include members of local boards of education, school administrators, teachers, parents, and others the State Board considers appropriate. The State Board shall report any findings to the Joint Legislative Education Oversight Committee by December 15, 2004.

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**SECTION 5.** Nothing in this act shall require the General Assembly to appropriate funds to implement it or require a local school administrative unit to spend additional funds to implement it.

**SECTION 6.** This act is effective when it becomes law and applies to school years beginning with the 2005-2006 school year. This act shall apply in all 100 counties and in all local school administrative units.

Upon motion of Senator Thomas, the rules are suspended and the Conference Report is placed on the Calendar for immediate consideration.

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

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

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

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

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

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

Upon motion of Senator Thomas, the Senate adopts the Conference Report (25-5).

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:

**S.B. 1058** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE MILITARY OR A DEPENDENT RELATIVE OF A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT UNIVERSITY OR A COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE IN-STATE TUITION RATE AND TO AUTHORIZE IN-STATE TUITION FOR NONRESIDENT MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD AND TO CLARIFY LAWS PROHIBITING DISCRIMINATION AGAINST PERSONS WHO SERVE IN THE NORTH CAROLINA NATIONAL GUARD, 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 for immediate consideration for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (35-1) and the measure is ordered enrolled and sent to the Governor by special message.

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

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**SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

House of Representatives  
July 18, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 1464** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE BY FIVE THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS, IN SCHOOLS IN ANY LOCAL SCHOOL ADMINISTRATIVE UNIT IN A COUNTY THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS, OR IN CERTAIN SCHOOLS WITH MODIFIED CALENDARS; TO ALLOW THE STATE BOARD OF EDUCATION TO GRANT EXEMPTIONS FROM THE OPENING AND CLOSING DATE REQUIREMENT FOR PURPOSES OF ACCOMMODATING SPECIAL PROGRAMS AND SCHOOLS; TO CLARIFY THAT LOCAL BOARDS OF EDUCATION MAY OFFER SUPPLEMENTAL OR ADDITIONAL PROGRAMS OUTSIDE OF THE SCHOOL CALENDAR; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT FIVE NONINSTRUCTIONAL TEACHER WORKDAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES; TO REQUIRE THAT AT LEAST SEVEN NONINSTRUCTIONAL DAYS ARE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR THE TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO DIRECT THE STATE BOARD OF EDUCATION TO STUDY NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW.

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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

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

#### **SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

**S.B. 3** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING FOR THE NC MOTORSPORTS TESTING AND RESEARCH COMPLEX AND TO ADJUST THE US 17 INTRASTATE SYSTEM PROJECT, 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 for immediate consideration for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (29-4) and the measure is ordered enrolled and sent to the Governor by special message.

**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, for concurrence in House Amendment No. 1.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on today's Calendar for immediate consideration for concurrence in House Amendment No. 1.

Upon motion of Senator Rand, the Senate concurs in House Amendment No. 1 (31-1) and the measure is ordered enrolled and sent to the Governor by special message.

**S.B. 1008** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND STRENGTHEN THE REPORTING REQUIREMENTS OF NON-STATE ENTITIES RECEIVING STATE FUNDS, 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 for immediate consideration for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (33-0) and the measure is ordered enrolled and sent to the Governor by special message.

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**S.B. 1225** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, AS APPROVED BY THE HOUSE RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE, 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 for immediate consideration for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (32-1) and the measure is ordered enrolled and sent to the Governor by special message.

House of Representatives  
July 18, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 142** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DARE COUNTY TO LEVY AN ADDITIONAL ONE PERCENT SALES AND USE TAX THE PROCEEDS OF WHICH SHALL BE USED FOR BEACH NOURISHMENT.

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. 1152** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES, for concurrence in the House Committee Substitute bill with unengrossed amendments.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill with unengrossed amendments is placed on today's Calendar for immediate consideration.

The Senate fails to concur in the House Committee Substitute bill with unengrossed amendments (0-30).

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

*The Chair grants leaves of absence for the remainder of today's session to Senator Carpenter and Senator Kinnaid.*

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**APPOINTMENT OF CONFERENCE COMMITTEE**

**S.B. 1152** (House Committee Substitute, as amended), A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill, as amended, for S.B. 1152 and the motion by Senator Rand to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Rand as the conferee on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

**S.B. 64** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MODIFY THE MEMBERS OF THE CENTENNIAL AUTHORITY, for concurrence in the House Committee Substitute bill with an unengrossed amendment.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill with an unengrossed amendment is placed on today's Calendar for immediate consideration.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill and unengrossed amendment (30-0) and the measure is ordered enrolled and sent to the Governor by special message.

**CALENDAR** (*continued*)

**S.J.R. 1445** (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY.

The joint resolution passes its second (29-1) and third readings and is ordered sent to the House of Representatives by special message.

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

House of Representatives  
July 18, 2004

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 1152**, A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES, and requests conferees, Speaker Morgan appoints:

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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,  
Denise G. Weeks  
Principal Clerk

### CONFERENCE REPORT

Senator Rand for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1152** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES, 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 1152, A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES, House Committee Substitute Favorable 7/18/04, submit the following report:

The Senate and House agree to the following amendments and the Senate concurs in House Committee Substitute Favorable 7/18/04, as amended by House Amendment #1, with the following additional amendments:

on page 1, line 2 by rewriting that line to read:

"AN ACT CONCERNING STUDIES AND OTHER PURPOSES."; and

on page 54, line 5 by inserting the following new section to read:

**SECTION 53.2.** If House Bill 1414, 2003 Regular Session, becomes law, then Section 31.18A.(g) of that act reads as rewritten:

**SECTION 31.18A.(g)** Notwithstanding any other provision of law, effective July 1, 2004, each local school administrative unit or charter school participating in the Teachers' and State Employees' Retirement System shall pay to the Teachers' and State Employees' Retirement System a Reemployed Teacher Contribution Rate of eleven and seventy hundredths percent (11.70%) as a percentage of covered salaries that the retired teachers, who are exempt from the earnings cap, are being paid. Each local school administrative unit or charter school shall report monthly to the Retirement Systems Division on payments made pursuant to this subsection.

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Notwithstanding any other provision of law, effective July 1, 2004, any portion of the payment made by a local school administrative unit to a reemployed teacher who is exempt from the earnings cap, consisting of salary plus the Reemployed Teacher Contribution rate, that exceeds the State-supported salary level for that position shall be paid from local funds.' "

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

Date Conferees approved report: July 18, 2004.

*Conferee for the Senate*

*Conferee for the House of Representatives*

S/Tony Rand, Chair

S/William T. Culpepper, III, Chair

Upon motion of Senator Rand, the rules are suspended and the Conference Report, which changes the title, is placed on today's Calendar for adoption.

Upon motion of Senator Rand, the Senate adopts the Conference Report (28-0).

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  
July 18, 2004

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **S.B. 1152** (Conference Report), A BILL TO BE ENTITLED AN ACT CONCERNING STUDIES.

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

Respectfully,  
Denise G. Weeks  
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for S.B. 1152 earlier today, the bill is ordered enrolled and sent to the Governor by special message.

#### **ENROLLED BILLS**

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

July 18, 2004

**S.B. 3**, AN ACT TO PROVIDE FUNDING FOR THE NC MOTORSPORTS TESTING AND RESEARCH COMPLEX AND TO ADJUST THE US 17 INTRASTATE SYSTEM PROJECT.

**S.B. 64**, AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MODIFY THE MEMBERS OF THE CENTENNIAL AUTHORITY.

**S.B. 137**, 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.

**S.B. 277**, 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.

**S.B. 657**, AN ACT TO PROVIDE THAT OPERATORS OF TANNING EQUIPMENT SHALL PROVIDE WARNING STATEMENTS TO CONSUMERS REGARDING THE HAZARDS OF EXPOSURE TO ULTRAVIOLET RADIATION AND SHALL OBTAIN A CONSUMER'S ACKNOWLEDGMENT OF THE WARNING BEFORE THE CONSUMER'S INITIAL USE; TO PROVIDE THAT OPERATORS SHALL NOT ALLOW A PERSON 13 YEARS AND YOUNGER TO USE TANNING EQUIPMENT WITHOUT A WRITTEN PRESCRIPTION; TO PROHIBIT OPERATORS AND OWNERS FROM CLAIMING THAT USING TANNING EQUIPMENT IS SAFE; TO PERMIT THE RADIATION PROTECTION COMMISSION TO ADOPT RULES IMPLEMENTING THIS ACT THAT SHALL BE ENFORCED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES; TO DEFINE THE TERMS "CONSUMER ", "TANNING FACILITY", AND "TANNING EQUIPMENT"; AND TO MAKE THIS ACT EFFECTIVE OCTOBER 1, 2004.

**S.B. 805**, AN ACT TO BEAUTIFY THE STATE GOVERNMENT MALL.

**S.B. 1008**, AN ACT TO CLARIFY AND STRENGTHEN THE REPORTING REQUIREMENTS OF NON-STATE ENTITIES RECEIVING STATE FUNDS.

**S.B. 1058**, AN ACT TO PROVIDE THAT A MEMBER OF THE MILITARY OR A DEPENDENT RELATIVE OF A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT UNIVERSITY OR A COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE IN-STATE TUITION RATE AND TO AUTHORIZE IN-STATE TUITION FOR NONRESIDENT MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD AND TO CLARIFY LAWS PROHIBITING DISCRIMINATION AGAINST PERSONS WHO SERVE IN THE NORTH CAROLINA NATIONAL GUARD.

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**S.B. 1152**, AN ACT CONCERNING STUDIES AND OTHER PURPOSES.

**S.B. 1225**, AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, AS APPROVED BY THE HOUSE RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE.

**H.B. 281**, AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

**H.B. 737**, AN ACT TO PROVIDE FOR CONSTITUTIONAL REQUIREMENTS FOR REPORTING AND REGULATION OF ELECTIONEERING COMMUNICATIONS, AS APPROVED BY THE UNITED STATES SUPREME COURT; TO ADOPT CONSTITUTIONAL LIMITS FOR CORPORATE EXPENDITURES ON MASS MAILINGS AND TELEPHONE BANKS; AND TO REPEAL A DUPLICATIVE REQUIREMENT FOR OUT-OF-STATE CONTRIBUTORS.

**H.B. 1464**, AN ACT TO REDUCE BY FIVE THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS, IN SCHOOLS IN ANY LOCAL SCHOOL ADMINISTRATIVE UNIT IN A COUNTY THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS, OR IN CERTAIN SCHOOLS WITH MODIFIED CALENDARS; TO ALLOW THE STATE BOARD OF EDUCATION TO GRANT EXEMPTIONS FROM THE OPENING AND CLOSING DATE REQUIREMENT FOR PURPOSES OF ACCOMMODATING SPECIAL PROGRAMS AND SCHOOLS; TO CLARIFY THAT LOCAL BOARDS OF EDUCATION MAY OFFER SUPPLEMENTAL OR ADDITIONAL PROGRAMS OUTSIDE OF THE SCHOOL CALENDAR; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT FIVE NONINSTRUCTIONAL TEACHER WORKDAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES; TO REQUIRE THAT AT LEAST SEVEN NONINSTRUCTIONAL DAYS ARE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR THE TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO DIRECT THE STATE BOARD OF EDUCATION TO STUDY

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NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW.

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. 142**, AN ACT TO AUTHORIZE DARE COUNTY TO LEVY AN ADDITIONAL ONE PERCENT SALES AND USE TAX THE PROCEEDS OF WHICH SHALL BE USED FOR BEACH NOURISHMENT.

**H.B. 1520**, AN ACT TO AUTHORIZE GASTON COUNTY TO LEVY A TEMPORARY HALF CENT LOCAL SALES TAX FOR ECONOMIC DEVELOPMENT AND TOURISM PROJECTS, IF APPROVED BY THE VOTERS OF THE COUNTY.

**S.J.R. 1445**, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY. (Res. 2004 -13)

#### 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. 1167**, AN ACT TO CLARIFY THE LAWS ON THE POWERS OF CONDOMINIUM UNIT OWNERS' ASSOCIATIONS AND PLANNED COMMUNITY OWNERS' ASSOCIATIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, TO PERMIT ELECTRONIC NOTICES OF OWNERS' ASSOCIATION MEETINGS, TO AMEND THE SECRET PEEPING STATUTE, AND TO MAKE CONFORMING CHANGES. (Became law upon approval of the Governor, July 17, 2004 - S.L. 2004-109.)

**H.B. 1430**, AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS, TO SET THE PUBLIC UTILITY AND INSURANCE REGULATORY FEES, TO EXTEND THE SUNSET ON THE LOW-INCOME HOUSING TAX CREDIT, TO CLARIFY THE SALES TAX INCENTIVES FOR MAJOR PROJECTS, TO MAINTAIN THE CURRENT SALES TAX RATES ON ELECTRICITY USED BY MANUFACTURERS, AND TO ESTABLISH FAMILY COURT FEES. (Became law upon approval of the Governor, July 17, 2004 - S.L. 2004-110.)

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**S.B. 486**, AN ACT TO PROHIBIT INSURANCE COMPANIES FROM USING CUSTOMER INQUIRIES TO TERMINATE A POLICY, TO REFUSE TO ISSUE OR RENEW A POLICY, OR TO SUBJECT A POLICY TO CONSENT TO RATE. (Became law upon approval of the Governor, July 17, 2004 - S.L. 2004-111.)

**H.B. 1469**, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO INITIATE OR CONTINUE CERTAIN DISEASE MANAGEMENT ACTIVITIES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON THE RISING COST OF HEALTH CARE. (Became law upon approval of the Governor, July 17, 2004 - S.L. 2004-112.)

**H.B. 918**, AN ACT TO INCREASE THE FEE FOR SERVICE OF PROCESS IN CIVIL CASES AND TO EARMARK THE INCREASE TO ENSURE TIMELY SERVICE OF PROCESS. (Became law upon approval of the Governor, July 17, 2004 - S.L. 2004-113.)

**S.B. 1092**, AN ACT TO ESTABLISH THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMPACT. (Became law upon approval of the Governor, July 17, 2004 - S.L. 2004-114.)

**H.B. 964**, AN ACT TO AMEND THE LAW GOVERNING FURNITURE REQUIREMENT CONTRACTS FOR STATE AGENCIES. (Became law upon approval of the Governor, July 17, 2004 - S.L. 2004-115.)

**H.B. 1459**, AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE WHETHER TEACHER PREPARATION PROGRAMS SHOULD REQUIRE COURSES IN DIVERSITY TRAINING, ANGER MANAGEMENT, CONFLICT RESOLUTION, AND CLASSROOM MANAGEMENT. (Became law upon approval of the Governor, July 17, 2004 - S.L. 2004-116.)

**S.B. 732**, AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO IMPLEMENT A PILOT PROGRAM UNDER WHICH A COUNTY MAY DESIGNATE AN AREA AS A NEW URBAN WATERFRONT UNDER THE COASTAL AREA MANAGEMENT ACT OF 1974. (Became law upon approval of the Governor, July 17, 2004 - S.L. 2004-117.)

**S.B. 444**, AN ACT TO ENSURE THAT EDUCATIONAL MATERIALS ARE PROVIDED SO THAT SCHOOLS PROVIDE INFORMATION TO PARENTS AND GUARDIANS CONCERNING MENINGOCOCCAL MENINGITIS AND INFLUENZA AND THEIR VACCINES. (Became law upon approval of the Governor, July 17, 2004 - S.L. 2004-118.)

**H.B. 1547**, AN ACT TO ALLOW THE TOWN OF CHAPEL HILL TO PURCHASE ADDITIONAL LAND FOR OPEN SPACE OUTSIDE ITS JURISDICTION. (Became law upon ratification, July 17, 2004 - S.L. 2004-119.)

July 18, 2004

**H.B. 1348**, AN ACT TO AUTHORIZE CAMDEN COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. (Became law upon ratification, July 17, 2004 - S.L. 2004-120.)

**H.B. 1671**, AN ACT REPEALING ARTICLE VIII OF THE CHARTER OF THE TOWN OF MOORESVILLE, SO THAT THE GENERAL LAW ON STREET AND SIDEWALK IMPROVEMENTS WILL APPLY. (Became law upon ratification, July 17, 2004 - S.L. 2004-121.)

**H.B. 1520**, AN ACT TO AUTHORIZE GASTON COUNTY TO LEVY A TEMPORARY HALF CENT LOCAL SALES TAX FOR ECONOMIC DEVELOPMENT AND TOURISM PROJECTS, IF APPROVED BY THE VOTERS OF THE COUNTY. (Became law upon ratification, July 18, 2004 - S.L. 2004-122.)

**H.B. 142**, AN ACT TO AUTHORIZE DARE COUNTY TO LEVY AN ADDITIONAL ONE PERCENT SALES AND USE TAX THE PROCEEDS OF WHICH SHALL BE USED FOR BEACH NOURISHMENT. (Became law upon ratification, July 18, 2004 - S.L. 2004-123.)

Senator Dannelly offers a motion pursuant to **S.J.R. 1445**, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY (Res. 13) that the Senate adjourn *sine die*, seconded by Senator Brock, which motion prevails, with unanimous consent.

The President *Pro Tempore* orders a message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to adjourn *sine die*.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
July 17, 2004

Madame President:

It is ordered that a message be sent to the Senate respectively advising your Honorable Body that the House of Representatives has concluded the public business before it and stands ready to adjourn *sine die* pursuant to **S.J.R. 1445** (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY.

Respectfully,  
Denise Weeks  
Principal Clerk

July 18, 2004

Pursuant to the receipt of a message that the House of Representatives has concluded the business before it and having notified that Honorable Body that the Senate has completed the business before it, the President *Pro Tempore* declares that the Senate stands ready to adjourn *sine die*.

The President *Pro Tempore* orders the doors of the Senate opened and the Speakers of the House of Representatives are perceived ready to let the gavel fall.

The motion heretofore offered by Senator Dannelly, seconded by Senator Brock having prevailed, the President *Pro Tempore* of the Senate, The Honorable Marc Basnight, declares the Senate of the 2003 General Assembly adjourned at 6:15 A.M., *sine die*.

BEVERLY E. PERDUE  
*President of the Senate*

JANET B. PRUITT  
*Principal Clerk*

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**ADDENDUM**

**SENATE JOURNAL**

**2003 SESSION**

**SECOND SESSION**

**2004**



**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.

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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.

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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.

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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.

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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.

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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*

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**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 2004 Session adjourned on July 18:

**H.B. 1414**, AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL APPROPRIATIONS ACT OF 2003 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE. (Became law upon approval of the Governor, July 20, 2004 - S.L. 2004-124.)

**H.B. 737**, AN ACT TO PROVIDE FOR CONSTITUTIONAL REQUIREMENTS FOR REPORTING AND REGULATION OF ELECTIONEERING COMMUNICATIONS, AS APPROVED BY THE UNITED STATES SUPREME COURT; TO ADOPT CONSTITUTIONAL LIMITS FOR CORPORATE EXPENDITURES ON MASS MAILINGS AND TELEPHONE BANKS; AND TO REPEAL A DUPLICATIVE REQUIREMENT FOR OUT-OF-STATE CONTRIBUTORS. (Became law upon approval of the Governor, July 20, 2004 - S.L. 2004-125.)

**H.B. 1795**, AN ACT TO MODIFY THE AUTHORIZATION FOR SPECIAL INDEBTEDNESS FOR YOUTH DEVELOPMENT CENTERS. (Became law upon approval of the Governor, July 22, 2004 - S.L. 2004-126.)

**H.B. 1119**, AN ACT TO MAKE CHANGES TO THE ELECTION LAWS. (Became law upon approval of the Governor, July 26, 2004 - S.L. 2004-127.)

**S.B. 577**, AN ACT TO RAISE THE JURISDICTIONAL AMOUNT FOR SMALL CLAIMS ACTIONS TO FIVE THOUSAND DOLLARS, TO CLARIFY JURISDICTION FOR REVOCATION OF PROBATION WHEN PLEAS WERE ENTERED IN DISTRICT COURT, TO DEFINE DRUG TREATMENT COURT AS AN INTERMEDIATE PUNISHMENT, TO REQUIRE THE COURT TO GIVE NOTICE OF RIGHTS TO CONTEST MECHANICS' LIEN STORAGE CHARGES OF VEHICLES SEIZED UNDER THE DWI FORFEITURE LAWS, TO PERMIT CLERKS OF COURT TO GRANT DIVORCES IN UNCONTESTED ABSOLUTE DIVORCE ACTIONS, TO TERMINATE AS A MATTER OF LAW CERTAIN PARENTAL RIGHTS OF A PERSON CONVICTED OF CERTAIN CRIMES THAT RESULT IN THE VICTIM BECOMING PREGNANT, AND TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO CHANGE THE TERM OF OFFICE OF MAGISTRATES FOR AN INITIAL TERM OF TWO YEARS AND SUBSEQUENT TERMS OF FOUR YEARS. (Became law upon approval of the Governor, July 26, 2004 - S.L. 2004-128.)

**S.B. 991**, AN ACT TO IMPROVE STATE GOVERNMENT INFORMATION TECHNOLOGY PLANNING, ADOPT STANDARDS, MAKE PROJECT DEVELOPMENT MORE EFFICIENT, REDUCE COST OVERRUNS, PROVIDE ASSISTANCE TO STATE AGENCIES, AND INCREASE ACCOUNTABILITY. (Became law upon approval of the Governor, July 27, 2004 - S.L. 2004-129.)

**S.B. 1058**, AN ACT TO PROVIDE THAT A MEMBER OF THE MILITARY OR A DEPENDENT RELATIVE OF A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT UNIVERSITY OR A COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE IN-STATE TUITION RATE AND TO AUTHORIZE IN-STATE TUITION FOR NONRESIDENT MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD AND TO CLARIFY LAWS PROHIBITING DISCRIMINATION AGAINST PERSONS WHO SERVE IN THE NORTH CAROLINA NATIONAL GUARD. (Became law upon approval of the Governor, July 29, 2004 - S.L. 2004-130.)

**S.B. 1144**, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE AN "IN GOD WE TRUST" SPECIAL REGISTRATION PLATE WITH THE PROCEEDS GOING TO THE AUBREY MCLELLAN SOLDIER AND AIRMAN ASSISTANCE FUND FOR FAMILIES OF DEPLOYED NORTH CAROLINA NATIONAL GUARDSMEN. (Became law upon approval of the Governor, July 29, 2004 - S.L. 2004-131.)

**S.B. 1063**, AN ACT TO ELIMINATE THE WAGE STANDARD FOR INDUSTRIAL REVENUE BONDS. (Became law upon approval of the Governor, July 29, 2004 - S.L. 2004-132.)

**H.B. 1518**, AN ACT REQUIRING A PERSON TO PAY ANY OUTSTANDING RESTITUTION ORDERS PRIOR TO THE EXPUNCTION OF THE PERSON'S CRIMINAL RECORD. (Became law upon approval of the Governor, July 29, 2004 - S.L. 2004-133.)

**H.B. 1602**, AN ACT TO DELAY THE IMPOSITION ON PARTNERSHIPS OF THE DOLLAR AMOUNT LIMITATION ON THE CREDIT ALLOWED FOR REAL PROPERTY DONATIONS. (Became law upon approval of the Governor, July 29, 2004 - S.L. 2004-134.)

**S.B. 74**, AN ACT CONCERNING WINERY PERMITS. (Became law upon approval of the Governor, July 29, 2004 - S.L. 2004-135.)

**H.B. 1513**, AN ACT TO INCREASE THE MAXIMUM DEATH BENEFIT PAYABLE FROM THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM. (Became law upon approval of the Governor, July 29, 2004 - S.L. 2004-136.)

**S.B. 1312**, AN ACT TO AUTHORIZE PARTICIPATION IN 457 PLANS BY LOCAL GOVERNMENTAL EMPLOYEES. (Became law upon approval of the Governor, July 29, 2004 - S.L. 2004-137.)

**H.B. 1420**, AN ACT TO EXTEND TO LOCAL GOVERNMENTS ACTING JOINTLY THE SAME SETOFF DEBT COLLECTION PROCEDURES CURRENTLY ALLOWED TO LOCAL GOVERNMENTS ACTING ALONE AND CONCERNING THE GLOBAL TRANSPARK AUTHORITY. (Became law upon approval of the Governor, July 29, 2004 - S.L. 2004-138.)

**S.B. 470**, AN ACT TO MODERNIZE THE LAW AFFECTING THE COMPENSATION OF TRUSTEES AND OTHER FIDUCIARIES. (Became law upon approval of the Governor, July 29, 2004 - S.L. 2004-139.)

**S.B. 1202**, AN ACT TO SPECIFY THE MINIMUM HORIZONTAL SEPARATION DISTANCES BETWEEN A SUBSURFACE WASTEWATER DISPOSAL SYSTEM TO BE LOCATED ON A LOT OR TRACT OF LAND PLATTED PRIOR TO 1 JULY 1977, THAT WILL BE OPERATED IN SAND OR LOAMY SAND SOILS, AND THAT MEETS CERTAIN OTHER REQUIREMENTS, AND ANY OTHER SUBSURFACE WASTEWATER DISPOSAL SYSTEM. (Became law upon approval of the Governor, July 29, 2004 - S.L. 2004-140.)

**S.B. 1078**, AN ACT TO AMEND THE VEHICLE CONTROL SIGN AND SIGNAL LAW. (Became law upon approval of the Governor, July 29, 2004 - S.L. 2004-141.)

**H.B. 173**, AN ACT REQUIRING THE CONTINUING EDUCATION OF PERSONS PRACTICING UNDER THE COSMETIC ART ACT AND CLARIFYING THE REMITTANCE OF CIVIL PENALTIES UNDER THE ACT. (Became law upon approval of the Governor, July 29, 2004 - S.L. 2004-142.)

**H.B. 1083**, AN ACT TO PROMOTE WATER CONSERVATION IN MULTIFAMILY RESIDENTIAL PROPERTIES BY AMENDING VARIOUS STATE LAWS REGARDING THE USE OF SUBMETERS IN LIGHT OF CHANGES IN POLICY RELATED TO WATER TESTING REQUIREMENTS AND WATER CONSERVATION BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, July 29, 2004 - S.L. 2004-143.)

**S.B. 1148**, AN ACT TO PROVIDE SUPPORT AND TRAINING FOR LONG-TERM CARE PROVIDERS CARING FOR RESIDENTS WITH MENTAL ILLNESSES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING. (Became law upon approval of the Governor, July 29, 2004 - S.L. 2004-144.)

**S.B. 1043**, AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING CERTAIN MATERIALS AND TO PROVIDE THAT A LAW ENFORCEMENT OFFICER CANNOT ISSUE A CITATION TO A PERSON FOR FAILING TO HAVE IN HIS POSSESSION A SPECIAL PERMIT FOR VEHICLES OF EXCESSIVE SIZE AND WEIGHT IF THE OFFICER DETERMINES THAT THE PERSON HAS BEEN ISSUED A PERMIT AND THE PERSON SUBMITS THE PERMIT WITHIN THIRTY DAYS OF THE VIOLATION. (Became law upon approval of the Governor, July 29, 2004 - S.L. 2004-145.)

**S.B. 1384**, AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING AND AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO ASSESS CIVIL PENALTIES FOR VIOLATIONS OF THE LAWS OR RULES REGULATING THE PRACTICE OF BARBERING. (Became law upon approval of the Governor, July 29, 2004 - S.L. 2004-146.)

**H.B. 1624**, AN ACT TO INCREASE THE CONTRIBUTORY DEATH BENEFIT FOR RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-147.)

**H.B. 1345**, AN ACT TO AUTHORIZE STATE HIGHWAY PATROL MOTOR CARRIER ENFORCEMENT OFFICERS AND OFFICERS OF THE DIVISION OF MOTOR VEHICLES TO ENFORCE CERTAIN CRIMINAL LAWS, TO EXTEND THE TEMPORARY RULE-MAKING PERIOD FOR THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR ELECTRONIC BIDDING, AND TO MAKE A TECHNICAL CORRECTION TO THE HIGHWAY TRUST FUND STATUTES AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-148.)

**H.B. 669**, AN ACT TO AMEND THE DEFINITION OF A "PRIMARY CARE HOSPITAL" TO REFLECT FEDERAL REQUIREMENTS, TO IMPROVE THE QUALITY OF PATIENT CARE, TO PROTECT PATIENT-PHYSICIAN RELATIONSHIPS AND TO LIMIT MEDICAL DIRECTORS LIABILITY. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-149.)

**H.B. 1427**, AN ACT TO AMEND THE STATUTES GOVERNING THE CULTIVATION OF SHELLFISH AND TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO STUDY ISSUES RELATED TO THE CULTIVATION OF SHELLFISH. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-150.)

**S.B. 137**, 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. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-151.)

**H.B. 1213**, AN ACT TO REQUIRE LOCAL GOVERNMENTS TO PAY MONETARY COMPENSATION FOR REMOVAL OF LAWFULLY ERECTED OFF-PREMISES OUTDOOR ADVERTISING SIGNS AND TO AUTHORIZE LOCAL GOVERNMENTS TO ENTER INTO RELOCATION AND RECONSTRUCTION AGREEMENTS WITH OWNERS OF NONCONFORMING OFF-PREMISES OUTDOOR ADVERTISING SIGNS. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-152.)

**H.B. 1636**, AN ACT TO PROVIDE TAX CREDITS FOR DISPENSING AND PROCESSING RENEWABLE FUELS. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-153.)

**S.B. 52**, AN ACT TO CLARIFY THAT PERSONNEL MEDIATIONS BY THE UNIVERSITY OF NORTH CAROLINA SYSTEM ARE NOT CONSIDERED "PRACTICE LAW"; THAT RECORDS CREATED AS PART OF THOSE PERSONNEL MEDIATIONS ARE NOT PUBLIC RECORDS; AND THAT PARTICIPANTS IN THOSE PERSONNEL MEDIATIONS ARE TREATED SIMILARLY TO PARTICIPANTS IN OTHER MEDIATIONS, TO PROVIDE FOR OPEN DISCOVERY IN ALL FELONY CASES, AND TO MAKE CERTAIN OTHER AMENDMENTS TO THE LAWS REGARDING DISCOVERY IN CRIMINAL CASES. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-154.)

**H.B. 1665**, AN ACT TO REQUIRE THE DISPOSITIONAL HEARING OF A JUVENILE WHO IS IN RESIDENTIAL TREATMENT BE HELD IN THE COUNTY IN WHICH THE JUVENILE IS RECEIVING TREATMENT. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-155.)

**H.B. 1449**, AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-156.)

**S.B. 657**, AN ACT TO PROVIDE THAT OPERATORS OF TANNING EQUIPMENT SHALL PROVIDE WARNING STATEMENTS TO CONSUMERS REGARDING THE HAZARDS OF EXPOSURE TO ULTRAVIOLET RADIATION AND SHALL OBTAIN A CONSUMER'S ACKNOWLEDGMENT OF THE WARNING BEFORE THE CONSUMER'S INITIAL USE; TO PROVIDE THAT OPERATORS SHALL NOT ALLOW A PERSON 13 YEARS AND YOUNGER TO USE TANNING EQUIPMENT WITHOUT A WRITTEN PRESCRIPTION; TO PROHIBIT OPERATORS AND OWNERS FROM CLAIMING THAT USING TANNING EQUIPMENT IS SAFE; TO PERMIT THE RADIATION PROTECTION COMMISSION TO ADOPT RULES IMPLEMENTING THIS ACT THAT SHALL BE ENFORCED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES; TO DEFINE THE TERMS "CONSUMER", "TANNING FACILITY", AND "TANNING EQUIPMENT"; AND TO MAKE THIS ACT EFFECTIVE OCTOBER 1, 2004. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-157.)

**S.B. 64**, AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MODIFY THE MEMBERS OF THE CENTENNIAL AUTHORITY. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-158.)

**H.B. 1519**, AN ACT TO PREVENT CRIMINALS FROM PROFITING FROM THEIR CRIMES AND TO BETTER ENABLE CRIME VICTIMS TO SATISFY RESTITUTION ORDERS AND CIVIL JUDGMENTS ENTERED AGAINST

THEIR OFFENDERS FROM THE OFFENDERS' ASSETS, WHICH MAY INCLUDE PROFIT FROM CRIME. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-159.)

**H.B. 1429**, AN ACT TO REQUIRE FISHERY MANAGEMENT PLANS TO ACHIEVE SUSTAINABLE HARVEST RATHER THAN OPTIMAL YIELD AND TO SPECIFY A TIME PERIOD FOR ENDING OVERFISHING AND REBUILDING A FISHERY. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-160.)

**S.B. 1152**, AN ACT CONCERNING STUDIES AND OTHER PURPOSES. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-161.)

**S.B. 20**, AN ACT TO REQUIRE LICENSURE OF PROFESSIONAL EMPLOYER ORGANIZATIONS. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-162.)

**S.B. 1210**, AN ACT TO PROVIDE FOR THE TEMPORARY IMPLEMENTATION OF FEDERAL PHASE II STORMWATER MANAGEMENT REQUIREMENTS BY PROVIDING: (1) THAT LOCAL GOVERNMENT APPLICATIONS FOR PHASE II STORMWATER PERMITS THAT WERE SUBMITTED IN ACCORDANCE WITH THE TEMPORARY STORMWATER RULE WILL BE DEEMED TIMELY RECEIVED; (2) STANDARDS FOR THE EVALUATION OF APPLICATIONS FOR PHASE II STORMWATER PERMITS; (3) AN EXEMPTION FROM PHASE II STORMWATER PERMIT REQUIREMENTS FOR CERTAIN SMALL MUNICIPALITIES; (4) THAT NEW DEVELOPMENT AND REDEVELOPMENT LOCATED IN A REGULATED COVERAGE AREA MUST COMPLY WITH THE STORMWATER MANAGEMENT RULE; (5) THAT THE ENVIRONMENTAL MANAGEMENT COMMISSION WILL ADMINISTER AND ENFORCE THE STORMWATER MANAGEMENT RULE IN A REGULATED COVERAGE AREA UNLESS A COUNTY VOLUNTARILY UNDERTAKES TO IMPLEMENT A LOCAL STORMWATER MANAGEMENT PROGRAM; (6) FOR THE COORDINATION OF PHASE II STORMWATER MANAGEMENT PROGRAMS AND OTHER EXISTING STATE PROGRAMS THAT REGULATE STORMWATER IN ORDER TO AVOID CONFLICTING, DUPLICATIVE, OR INCONSISTENT STORMWATER MANAGEMENT REQUIREMENTS; (7) THAT A LOCAL GOVERNMENT MAY OPT TO BE COVERED UNDER A GENERAL STORMWATER PERMIT DEVELOPED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; (8) DEADLINES FOR WHEN THE ENVIRONMENTAL MANAGEMENT COMMISSION MUST MAKE CERTAIN PHASE II STORMWATER PERMITTING DECISIONS; (9) DESIGNATION AND PETITION PROCESSES BY WHICH ADDITIONAL LOCAL GOVERNMENTS AND OTHER ENTITIES MAY BE REQUIRED TO OBTAIN A PHASE II STORMWATER PERMIT; (10) FOR THE DEVELOPMENT OF A STORMWATER MODEL ORDINANCE AND STORMWATER DESIGN MANUAL; (11) FOR THE ROLES OF STATE AND LOCAL GOVERNMENTS IN REGULATING THE STORMWATER IMPACTS OF FEDERAL AND STATE PROJECTS; (12) DEFINITIONS OF TERMS TO BE

USED IN THE IMPLEMENTATION OF THIS ACT; (13) THAT CERTAIN AGRICULTURE AND FORESTRY ACTIVITIES ARE EXEMPT FROM PHASE II STORMWATER PERMIT REQUIREMENTS; AND (14) HOW THE ACT SHALL BE CONSTRUED, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-163.)

**H.B. 1723**, AN ACT TO AUTHORIZE EXISTING CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' MAJOR MEDICAL PLAN. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-164.)

**S.B. 916**, AN ACT TO ESTABLISH CIVIL NO-CONTACT ORDERS FOR THE PROTECTION OF EMPLOYEES FROM WORKPLACE VIOLENCE. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-165.)

**H.B. 1107**, AN ACT TO CLARIFY THE CIVIL LIABILITY AND INCREASE THE CRIMINAL PENALTY FOR PERSONS WHO REPRESENT UNAUTHORIZED INSURERS AND TO PROVIDE THAT SUCH ACTIVITY IS GROUNDS FOR REVOCATION OF THE LICENSE OF THE INSURANCE AGENT OR BROKER; AND TO LIMIT DIRECT PROCUREMENT OF INSURANCE ONLY THROUGH ELIGIBLE SURPLUS LINES INSURERS. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-166.)

**S.B. 1083**, AN ACT TO PROVIDE FOR STAGGERED ISSUANCE OF COMMERCIAL LICENSE PLATES, DEALER LICENSE PLATES, AND MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSES, AND TO EXEMPT HISTORIC VEHICLES FROM THE REQUIREMENT FOR A SAFETY INSPECTION. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-167.)

**S.B. 1089**, AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS FROM LOCAL GOVERNMENTS TO ADVANCE THE CONSTRUCTION SCHEDULE OF TIP PROJECTS. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-168.)

**S.B. 805**, AN ACT TO BEAUTIFY THE STATE GOVERNMENT MALL. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-169.)

**S.B. 1145**, AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, TO CLARIFY THAT THE CREDIT FOR CREATING JOBS IS ALLOWED ONLY FOR NEW JOBS CREATED IN THIS STATE, AND TO PROHIBIT THE USE OF FUTURE ROOM TAX COLLECTIONS IN CERTAIN COUNTIES AND CITIES TO DEVELOP OR CONSTRUCT A HOTEL OR SIMILAR LODGING FACILITY. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-170.)

**S.B. 676**, AN ACT TO AMEND CERTAIN BANKING LAWS OF NORTH CAROLINA AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE NEED FOR FURTHER AMENDMENTS TO THE STATE BANKING LAWS. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-171.)

**H.B. 965**, AN ACT TO PROVIDE PENALTIES FOR PERSONS WHO CAUSE SERIOUS BODILY INJURY WHEN FAILING TO YIELD THE RIGHT-OF-WAY UNDER CERTAIN CIRCUMSTANCES; TO CLARIFY WHEN A PEDESTRIAN HAS THE RIGHT-OF-WAY AT AN INTERSECTION WHERE TRAFFIC IS ALLOWED TO TURN RIGHT ON A RED LIGHT, TO INCREASE THE PENALTY FOR FAILURE TO YIELD THE RIGHT-OF-WAY TO A PEDESTRIAN WHEN TURNING RIGHT AT A RED LIGHT; TO INCREASE THE DRIVERS LICENSE POINTS ASSESSED FOR FAILURE TO YIELD THE RIGHT-OF-WAY TO A BICYCLE, MOTOR SCOOTER, MOTORCYCLE, OR PEDESTRIAN; AND TO COLLECT DATA REGARDING PEDESTRIAN ACCIDENTS WHERE VEHICLES ARE TURNING RIGHT AT A RED LIGHT. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-172.)

**S.B. 277**, 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. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-173.)

**H.B. 356**, AN ACT TO AMEND THE AUTHORITY OF THE NORTH CAROLINA STATE BAR CONCERNING PARALEGALS AND FEES RELATING TO CERTIFICATION AND TO EXTEND THE SUNSET OF THE INDUSTRIAL COMMISSION FEE EARMARKED FOR INFORMATION TECHNOLOGY. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-174.)

**H.B. 1463**, AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE INNOVATIONS COMMISSION. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-175.)

**H.B. 1112**, AN ACT TO IMPLEMENT REQUIREMENTS APPLICABLE TO NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND ANIMAL WASTE MANAGEMENT PLANS GOVERNING ANIMAL FEEDING OPERATIONS TO MAKE THE STATE PERMIT REQUIREMENTS CONSISTENT WITH FEDERAL REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-176.)

**S.B. 1128**, AN ACT TO AUTHORIZE THE NORTH CAROLINA DEPARTMENT OF JUSTICE TO CHARGE EACH APPLICANT FOR A LOCKSMITH LICENSE OR AN APPRENTICE DESIGNATION A CRIMINAL HISTORY RECORD CHECK FEE AND TO MAKE A TECHNICAL CORRECTION. (Became law upon approval of the Governor, August 2, 2004 - S.L. 2004-177.)



**S.B. 1054**, AN ACT TO PROVIDE THAT THE UNLAWFUL DISTRIBUTION OF METHAMPHETAMINE THAT PROXIMATELY RESULTS IN THE DEATH OF A PERSON IS SECOND DEGREE MURDER, TO MAKE IT AN AGGRAVATING FACTOR TO MANUFACTURE METHAMPHETAMINE IN A LOCATION THAT ENDANGERS A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR THE UNLAWFUL MANUFACTURE OF METHAMPHETAMINE, AND TO INCREASE THE CRIMINAL PENALTY FOR THE POSSESSION OF PRECURSOR SUBSTANCES FOR METHAMPHETAMINE, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, TO REQUIRE THE COMMISSION FOR HEALTH SERVICES TO ESTABLISH DECONTAMINATION STANDARDS FOR PROPERTY USED FOR THE MANUFACTURE OF METHAMPHETAMINE, TO IMPOSE AN ENHANCED SENTENCE FOR CONVICTION OF MANUFACTURE OF METHAMPHETAMINE IF THE OFFENSE RESULTS IN SERIOUS INJURY TO A LAW ENFORCEMENT OFFICER, PROBATION OR PAROLE OFFICER, EMS EMPLOYEE, OR FIREFIGHTER AND TO PROVIDE IMMUNITY FROM CIVIL AND CRIMINAL LIABILITY FOR CERTAIN GOOD FAITH ACTIONS OF A PERSON PARTICIPATING IN A METHAMPHETAMINE WATCH PROGRAM. (Became law upon approval of the Governor, August 3, 2004 - S.L. 2004-178.)

**H.B. 1264**, AN ACT (1) TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS TO FINANCE VITAL STATE FACILITIES FOR HEALTH CARE AND HIGHER EDUCATION NEEDS AND FOR JUVENILE DETENTION; (2) TO REQUIRE THE TOBACCO TRUST FUND AND THE HEALTH AND WELLNESS TRUST FUND TO PROVIDE THE DEBT SERVICE FOR THIS INDEBTEDNESS; (3) TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR CAPITAL IMPROVEMENTS AND LAND ACQUISITION FOR PARKS, RECREATION, THE PRESERVATION OF NATURAL HERITAGE, AND CLEAN WATER CONSERVATION AND TO USE FUNDS CURRENTLY DEDICATED TO THESE PURPOSES TO REPAY THE INDEBTEDNESS; (4) TO REQUIRE THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY TO ALLOCATE FUNDS GEOGRAPHICALLY ACROSS THE STATE; (5) TO MAKE CLARIFYING CHANGES; (6) TO CREATE THE DEBT AFFORDABILITY ADVISORY COMMITTEE; (7) TO DIRECT THE UNIVERSITY OF NORTH CAROLINA AND THE STATE BOARD OF COMMUNITY COLLEGES TO CONDUCT A STUDY OF UNIVERSITY AND COMMUNITY COLLEGE PROGRAMMING AND CAPITAL NEEDS; AND (8) TO DIRECT THE STATE TREASURER TO STUDY THE POTENTIAL COSTS AND BENEFITS OF INNOVATIVE STATE FINANCING. (Became law upon approval of the Governor, August 5, 2004 - S.L. 2004-179.)

**H.B. 1464**, AN ACT TO REDUCE BY FIVE THE NUMBER OF NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT PUBLIC SCHOOLS SHALL OPEN NO SOONER THAN AUGUST 25 AND CLOSE NO LATER THAN JUNE 10 EXCEPT IN YEAR-ROUND SCHOOLS, IN SCHOOLS IN ANY LOCAL SCHOOL ADMINISTRATIVE UNIT IN A COUNTY THAT HAVE BEEN CLOSED EIGHT DAYS PER YEAR DURING ANY FOUR OF THE LAST TEN YEARS BECAUSE OF SEVERE WEATHER

CONDITIONS, ENERGY SHORTAGES, POWER FAILURES, OR OTHER EMERGENCY SITUATIONS, OR IN CERTAIN SCHOOLS WITH MODIFIED CALENDARS; TO ALLOW THE STATE BOARD OF EDUCATION TO GRANT EXEMPTIONS FROM THE OPENING AND CLOSING DATE REQUIREMENT FOR PURPOSES OF ACCOMMODATING SPECIAL PROGRAMS AND SCHOOLS; TO CLARIFY THAT LOCAL BOARDS OF EDUCATION MAY OFFER SUPPLEMENTAL OR ADDITIONAL PROGRAMS OUTSIDE OF THE SCHOOL CALENDAR; TO ENSURE THAT TEACHERS ARE PAID IN AUGUST; TO PROVIDE THAT FIVE NONINSTRUCTIONAL TEACHER WORKDAYS ARE PROTECTED FOR TEACHERS TO COMPLETE INSTRUCTIONAL AND CLASSROOM ADMINISTRATIVE DUTIES; TO REQUIRE THAT AT LEAST SEVEN NONINSTRUCTIONAL DAYS ARE DESIGNATED AS DAYS ON WHICH TEACHERS WITH ACCUMULATED VACATION LEAVE MAY TAKE THAT LEAVE; TO PROVIDE THAT THE REDUCTION IN TEACHER WORKDAYS DOES NOT REDUCE THE ANNUAL RATE OF PAY FOR TEACHERS AND OTHER EMPLOYEES; TO PROVIDE THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS CHANGING THE PAY CYCLE FOR NONCERTIFIED EMPLOYEES; TO DIRECT THE STATE BOARD OF EDUCATION TO STUDY NONINSTRUCTIONAL TEACHER WORKDAYS; TO PROVIDE THAT NOTHING IN THIS ACT REQUIRES THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS FOR ITS IMPLEMENTATION OR REQUIRES LOCAL SCHOOL ADMINISTRATIVE UNITS TO EXPEND ADDITIONAL FUNDS FOR ITS IMPLEMENTATION; TO PROVIDE THAT THIS ACT APPLIES TO SCHOOLS BEGINNING WITH THE 2005-2006 SCHOOL YEAR; TO PROVIDE THAT THE ACT APPLIES IN ALL ONE HUNDRED COUNTIES AND IN ALL LOCAL SCHOOL ADMINISTRATIVE UNITS; AND TO PROVIDE THAT THE ACT IS EFFECTIVE WHEN IT BECOMES LAW. (Became law upon approval of the Governor, August 9, 2004 - S.L. 2004-180.)

**H.B. 1699**, 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 10, 2004 - S.L. 2004-181.)

**S.B. 464**, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIONAL RIFLE ASSOCIATION SPECIAL REGISTRATION PLATE. (Became law upon approval of the Governor, August 10, 2004 - S.L. 2004-182.)

**H.B. 817**, 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. (Became law upon approval of the Governor, August 10, 2004 - S.L. 2004-183.)

**S.B. 3**, AN ACT TO PROVIDE FUNDING FOR THE NC MOTORSPORTS TESTING AND RESEARCH COMPLEX AND TO ADJUST THE US 17 INTRASTATE SYSTEM PROJECT. (Became law upon approval of the Governor, August 11, 2004 - S.L. 2004-184.)

**S.B. 754**, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE STOCK CAR RACING THEME SPECIAL PLATES. (Became law upon approval of the Governor, August 11, 2004 - S.L. 2004-185.)

**H.B. 1354**, AN ACT TO STRENGTHEN THE LAWS AGAINST DOMESTIC VIOLENCE, TO PROVIDE ADDITIONAL ASSISTANCE TO DOMESTIC VIOLENCE VICTIMS, AND TO MAKE OTHER CHANGES AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE. (Became law upon approval of the Governor, August 12, 2004 - S.L. 2004-186.)

**H.B. 831**, AN ACT TO ESTABLISH THE NORTH CAROLINA SALTWATER FISHING FUND AND LICENSE AND TO PROVIDE THAT VACANCIES MAY BE FILLED IN CERTAIN OFFICES DURING A HOLDOVER PERIOD. (Became law upon approval of the Governor, August 17, 2004 - S.L. 2004-187.)

**S.B. 933**, 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. (Became law upon approval of the Governor, August 17, 2004 - S.L. 2004-188.)

**S.B. 852**, 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. (Became law upon approval of the Governor, August 17, 2004 - S.L. 2004-189.)

**S.B. 230**, 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. (Became law upon approval of the Governor, August 17, 2004 - S.L. 2004-190.)

**S.B. 1218**, AN ACT TO MODIFY THE CHILD RESTRAINT SYSTEM REQUIREMENTS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE. (Became law upon approval of the Governor, August 17, 2004 - S.L. 2004-191.)

**H.B. 859**, AN ACT TO CHANGE THE LAW CONCERNING THE ELECTION OF MEMBERS OF THE BOARD OF FUNERAL SERVICE AND TO ESTABLISH A NEW PROCESS WHEREBY MEMBERS ARE APPOINTED TO SERVE ON THE BOARD. (Became law upon approval of the Governor, August 17, 2004 - S.L. 2004-192.)

**H.B. 1046**, AN ACT TO CREATE THE OFFENSE OF AGGRESSIVE DRIVING. (Became law upon approval of the Governor, August 17, 2004 - S.L. 2004-193.)

**H.B. 951**, AN ACT TO ESTABLISH CIVIL NO-CONTACT ORDERS FOR THE PROTECTION OF INDIVIDUALS WHO ARE VICTIMS OF UNLAWFUL CONDUCT. (Became law upon approval of the Governor, August 17, 2004 - S.L. 2004-194.)

**S.B. 823**, AN ACT TO AMEND VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES TO: (1) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS; (2) MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS; (3) ABOLISH OBSOLETE AND INACTIVE COUNCILS; (4) EXTEND BY ONE YEAR THE TIME FOR THE DEVELOPMENT OF PERMANENT RULES RELATED TO WATER CONSERVATION PURSUANT TO SECTION 3 OF S.L. 2002-167; (5) PROVIDE FOR STAGGERED TERMS FOR THE MEMBERS OF THE AGRICULTURAL FINANCE AUTHORITY, TO MAKE APPOINTMENTS TO THE AUTHORITY, AND SPECIFY THE MAXIMUM NUMBER OF SUCCESSIVE TERMS THAT MEMBERS OF THE AUTHORITY MAY SERVE; AND (6) PROHIBIT THE SALE OR DISPENSING OF RAW MILK, AND TO PROVIDE FOR FILLING VACANCIES IN LEGISLATIVE APPOINTMENTS IN CERTAIN CIRCUMSTANCES. (Became law upon approval of the Governor, August 17, 2004 - S.L. 2004-195.)

**S.B. 1008**, AN ACT TO CLARIFY AND STRENGTHEN THE REPORTING REQUIREMENTS OF NON-STATE ENTITIES RECEIVING STATE FUNDS. (Became law upon approval of the Governor, August 17, 2004 - S.L. 2004-196.)

**H.B. 1356**, AN ACT TO ENACT THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO INCREASE THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO ADMINISTER SUBSTANCE ABUSE ASSESSMENTS, TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR SUBSTANCE ABUSE ASSESSMENTS, TO STUDY THE MINIMUM QUALIFICATIONS OF INDIVIDUALS CONDUCTING ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOLS, AND TO STUDY THE FEE PAID BY DWI OFFENDERS FOR EDUCATION OR TREATMENT SERVICES. (Became law upon approval of the Governor, August 17, 2004 - S.L. 2004-197.)

**H.B. 1453**, AN ACT TO MAKE IT A CLASS F FELONY TO DISCHARGE A FIREARM ON EDUCATIONAL PROPERTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE. (Became law upon approval of the Governor, August 17, 2004 - S.L. 2004-198.)

**S.B. 1225**, AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS

RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, AS APPROVED BY THE HOUSE RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE. (Became law upon approval of the Governor, August 17, 2004 - S.L. 2004-199.)

**S.B. 1118**, AN ACT TO INCREASE THE FEE FOR THE FIRST IN FORESTRY SPECIAL PLATE, TO AUTHORIZE DMV TO ISSUE A RETIRED HIGHWAY PATROL SPECIAL PLATE TO THE SURVIVING SPOUSES OF RETIRED HIGHWAY PATROLMEN AND TO AUTHORIZE DMV TO ISSUE THE FOLLOWING NEW SPECIAL PLATES: DAUGHTERS OF THE AMERICAN REVOLUTION, EL PUEBLO, HOMES4NC, NC 4-H DEVELOPMENT FUND, SPORT FISHING, COMMERCIAL FISHING, AND A HIGH SCHOOL INSIGNIA PLATE. (Became law upon approval of the Governor, August 17, 2004 - S.L. 2004-200.)

**H.B. 1594**, AN ACT AUTHORIZING THE ALARM SYSTEMS LICENSING BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE ALARM SYSTEMS LICENSING ACT. (Became law upon approval of the Governor, August 17, 2004 - S.L. 2004-201.)

**S.B. 1244**, AN ACT AUTHORIZING THE NORTH CAROLINA CEMETERY COMMISSION TO INCREASE CERTAIN FEES, MAKING CLARIFYING CHANGES UNDER THE NORTH CAROLINA CEMETERY ACT, AND MODIFYING THE FORMULA USED TO DETERMINE THE ENTERPRISE TIER DESIGNATION OF A COUNTY. (Became law upon approval of the Governor, August 17, 2004 - S.L. 2004-202.)

**H.B. 281**, AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS. (Became law upon approval of the Governor, August 17, 2004 - S.L. 2004-203.)

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**BILLS REMAINING IN THE SENATE**  
**2003 SESSION**  
**SECOND SESSION 2004**

The following bills and resolutions remain in the Senate after adjournment *sine die* on July 18, 2004, to be transferred to the Division of Archives and History of the Department of Cultural Resources upon adjournment *sine die* of the 2005 General Assembly. Some of these bills or are included in other ratified bills or identical Senate or House bills are ratified.

**AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES**

- S 322 Interconnection of Public Water System.
- S 591 Disapprove Swift Creek Reclassification.
- S 624 DENR/Local Environmental Health Specialists.
- S 626 Expand Marine Inspector Enforcement Auth.
- S 628 Federal Enforcement by Marine Inspectors.
- S 684 Coastal Recreational Fishing License/Fund.
- S 715 Local Water Supply Plans.
- S 723 I-40 Billboard Moratorium.
- S 730 Amend Shellfish Statutes.
- S 756 Brownfields Amendments.
- S 763 NC Clean Vehicles.
- S 791 Farmland and Forestland Preservation.
- S 793 Bear/Wild Boar Dog-Hunting License.
- S 822 Limit Impervious Surface of Parking Lots.
- S 826 Amend Environmental Health Laws - 1.
- S 827 Amend Environmental Health Laws - 2.
- S 828 Farm Futures Pilot Program.
- S 829 Stormwater Compliance.
- S 830 Establish Fisheries Violation Points System.
- S 835 Amend Natural Resources Laws - 1.
- S 836 Amend Natural Resource Laws - 2.
- S 837 Amend Environmental Laws - 1.
- S 839 Community Bldgs/Exempt from Food Rules.
- S 856 EMC to Develop Regulations.
- S 863 NC Climate Action Registry.
- S 883 DACS to Regulate Farmed Cervids.
- S 888 Alter Waterflow/Impact on Adjacent Property.
- S 898 Production and Sale of Domesticated Rabbit.
- S 907 Certification of Wastewater Site Evaluators.
- S 908 Groundwater Protection Act.
- S 927 Certify On-Site Wastewater Contractors.
- S 981 Clean Air Trust Fund.
- S 989 Water and Seafood Protection Act.
- S 990 Extend Swine Moratoria/Control Phosphorus.
- S 999 Develop Regional Water Supplies.
- S 1070 Federal Enforcement by Marine Inspectors.
- S 1071 Rec. Shellfish License/Amend Shellfish Laws.

**AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES** (continued)

- S 1100 Express Review Program.
- S 1111 Est. Marine Fisheries Violation Points System.
- S 1112 Amend Fishery Management Plan Requirements.
- S 1172 Ban Pigeon Shoots.
- S 1211 Phase II Stormwater Management-2.
- S 1220 Leaking UST Fund Liquidity.
- S 1221 Water Conservation/Submeters.
- S 1224 State Nat. & Hist. Preserve Removals.
- S 1269 ABC Licensees to Recycle Beverage Containers.
- S 1301 Phosphorous Nutrient Mgt./Animal Feedlots.
- S 1302 Environmental Technical Corrections.
- S 1303 Environmental Reports Amendments.
- S 1349 Greenhouse Gases Emissions Data/Report Funds.
- S 1376 Low Emission Vehicles/Funds.
- H 868 Improve Environmental Enforcement.
- H 996 Monitor Coastal Water Quality.
- H 1082 Environmental Reports Consolidation.
- H 1393 Federal Enforcement by Marine Inspectors.

**APPROPRIATIONS/BASE BUDGET**

- S 28 Funds to Test Rape Kits.
- S 36 Highway Trust Fund Federal-Aid Match.
- S 48 Security of State Retirement System.
- S 49 Refund State Retirement Systems.
- S 55 Medicaid County Share.
- S 94 Osteoporosis Education Funds.
- S 95 Folic Acid Campaign Funds.
- S 139 Guilford/Worthless Check Program.
- S 141 Low-Wealth School Supplemental Funding.
- S 176 Blank Appropriations - 1.
- S 204 Local LTC Planning Pilot Project.
- S 205 Long-Term Care/Enhancement Funds.
- S 216 Blank Appropriations-1.
- S 219 Food Banks Funds.
- S 227 Lease Purchase Three New Prisons.
- S 241 Worthless Check Program/Pitt Co.
- S 252 CAP/DA Audit/DHHS Report.
- S 261 Infant Homicide Prevention Act Funds.
- S 289 OK to Use Com Col Funds for Literacy Labs.-AB
- S 306 Zero-Based Budgeting.
- S 360 NCA&T Matching Funds.
- S 427 Guard Funds May Support Separated Families.
- S 428 Nash Courthouse Security Funds.
- S 429 Nash Farmers Market Funds.
- S 434 Medicaid County Share/Phase Out Tier Cntys.
- S 435 Roanoke Rapids Library Aid.
- S 441 Funds for Courthouse Child Care Centers.
- S 462 Housing Trust Funds.

**APPROPRIATIONS/BASE BUDGET** (continued)

- S 463 Funds for Interpreter Svces/Local Health Dept.
- S 466 Funds for School Nurses/Mecklenburg County.
- S 467 State Pays 100% Medicaid/Phase In.
- S 474 Funds for Poison Control Center.
- S 488 South Piedmont Community College Funds.
- S 505 Military Resource Center/Fayetteville Tech.
- S 507 Medicaid Cost Saving Measures.
- S 523 Kids Voting of NC Funds.
- S 532 International Home Furnishings Market.
- S 548 International Civil Rights Museum Funds.
- S 551 Clean Water Management Trust Fund.
- S 567 TANF Block Grant Funds/Boys & Girls Club.
- S 585 World Trade Center Funds.
- S 586 Nursing Faculty Fellows Program.
- S 587 Funds for Public Health Services Demo Project.
- S 588 Funds for Farm and Rural Families.
- S 594 National Guard Readiness Center Funds.
- S 599 Close Achievement Gap Funds.
- S 600 School Bus Fire Suppression Equipment.
- S 601 Funds for Limited-Resource Farmers.
- S 604 Funds for Rural Obstet. Care Fund.
- S 642 Lapsed Salaries Revert.
- S 662 NC Humanities Council Funds.
- S 667 Coalition 2001 Funds.
- S 677 Establish Mt. Island State Forest.
- S 687 Felony Death/Serious Injury by Vehicle.
- S 695 Victim Assistance Funds.
- S 697 Community College Trust Fund Established.
- S 700 Teacher Assistant Salary/Tuition Funds.
- S 702 Comm. College Equipment Funds/Carry Forward.
- S 707 Repeat Misd. Larceny.
- S 717 Governor's Budget Bill.
- S 759 Volunteer Safety Workers Comp Funds.
- S 778 Funds for Adolescent Parenting.
- S 780 Regional Professional Dev. Centers/Funds.
- S 783 Raise Compulsory School Attendance Age.
- S 795 Enhancement of Character & Civic Educ. Prog.
- S 806 State Employee RIF Rights.
- S 810 Increase Use of Public Defenders.
- S 811 Cape Fear Freshwater Aquarium.
- S 833 Sweet Potato Weevil Control Funds.
- S 834 Food Safety and Security Funds.
- S 841 Prosperity Project.
- S 853 Comm. College Professional Staff Salaries.
- S 870 BRAC Funds.
- S 873 Tryon Palace Funds.
- S 890 Business Incubation Authority.
- S 902 Establish Mounted Horse/Caisson Patrol Unit.



**APPROPRIATIONS/BASE BUDGET** (continued)

- S 903 Department of Veterans Affairs.
- S 918 District 26 ADA Funds.
- S 920 UNC Cancer Center/Funds.
- S 938 Inc. Line of Duty Death Benefit .
- S 943 Biomanufacturing Funds.
- S 954 Appropriate Funds for At-Risk Students.
- S 957 K-8 Testing Reform Act of 2003.
- S 958 Veterans Nursing Homes Funds.
- S 973 NC Cardiovascular Diseases Inst./Funds.
- S 975 Accessible Electronic Info Act/Blind/Disab'd.
- S 985 Medicaid Fraud Detection Pilot Funds.
- S 986 Students with Disabilities/Medicaid.
- S 1010 Moving Ahead Transportation Initiative.
- S 1015 The Good Roads Restoration Act.
- S 1031 Small School System Supplemental Funding.
- S 1035 Southern Appalachian Science & Tech Funds.
- S 1041 Funds for Cardiovascular Diseases Institute.
- S 1045 Marine Corps Museum Funds.
- S 1052 Pitt County Sr. Center Funds.
- S 1053 Cardiovascular Diseases Institute.
- S 1055 Halifax Magistrate Funds.
- S 1067 Death Benefits/Probation and Parole Officers.
- S 1069 Accessible Electronic Info Act/Blind/Disab'd.
- S 1074 Low-Wealth School Supplemental Funding.
- S 1075 Small Business Funds.
- S 1097 Closing the Equity Gap/Increase Homeownership.
- S 1098 State Health and Biotechnology Financing
- S 1116 Film Industry Development Account.
- S 1117 One NC Fund Appropriations/Codification.
- S 1119 Neuse Regional Water & Sewer Funds.
- S 1120 Econ. Infrastructure Program at Rural Center.
- S 1121 Funds/Promote Tourism & Economic Development.
- S 1134 Modify Appropriations Act of 2003-1.
- S 1135 Modify Appropriations Act of 2003-2.
- S 1147 Senior Center Funds.
- S 1149 Adult Day Care Rate Increase.
- S 1150 Study Mentally Ill LTC Resident Issues.
- S 1151 Senior Adult Housing Funds.
- S 1153 HCCBG Funds.
- S 1155 Roanoke-Chowan Community College Funds.
- S 1156 Roanoke-Chowan Drug Task Force Funds.
- S 1158 Military Base Land Preservation Fund.
- S 1162 Funds for WIC Farmers' Market Program.
- S 1164 TANF Block Grant Funds/Boys & Girls Club.
- S 1168 Study Smart Start Funding.
- S 1169 Emergency Funding for One NC & NEIT.-AB
- S 1170 Kids Voting Funds.
- S 1174 Stream Cleanup Funds for Northeast N.C.

**APPROPRIATIONS/BASE BUDGET** (continued)

- S 1175 Small Urban Contingency Funds.
- S 1176 Windows on the World Technology Center Funds.
- S 1180 Funds for NC REAL.
- S 1195 FSU-School of Engineering.
- S 1198 SciWorks Funds.
- S 1204 Funds to Combat the Manuf. of Methamphetamine.
- S 1228 Appropriation for Robert Lee Humber House.
- S 1229 National Guard Family Assistance Funds.
- S 1234 Wake County Family Court Funds.
- S 1235 Drug Treatment Court Funds.
- S 1236 SE Regional Horse Arena Funds.
- S 1239 Gateway Technology Center Funds.
- S 1240 State Employees/Teachers Pay Increases.
- S 1243 Funds for Winston-Salem Delta Fine Arts.
- S 1245 Funds for Hosiery Technology Center.
- S 1247 Funds for WakeMed Emergency Svces Institute.
- S 1248 Dorothea Dix Property/Devlmp. of Master Plan.
- S 1255 Child Welfare Appropriation Matters.
- S 1257 Child Welfare Collaborative Funds.
- S 1258 Stanly Magistrate Funds.
- S 1259 Child Care Subsidy Funds.
- S 1266 Funds for Our Children's Place.
- S 1271 5-Yr Phase Out County Medicaid Share.
- S 1272 Funds for Northampton Drug Investigations.
- S 1290 Funds for Mental Health Services.
- S 1291 Funds to equalize State funding/MH Programs.
- S 1292 NC A & T Matching Funds.
- S 1294 Columbus County Visitor Center Funds.
- S 1295 Havelock Senior Center Funds.
- S 1296 Tryon Palace Fund.
- S 1300 Comm. College Faculty/Prof. Staff Salaries.
- S 1306 Funds for Old Salem, Inc.
- S 1310 East Market Street Revitalization Funds.
- S 1311 A&T/UNC-G Appropriations.
- S 1314 Funds for Community Health Centers.
- S 1319 Nash County Courthouse Security Funds.
- S 1323 Restore Voc. Educ. Funding for 7th Grade.
- S 1324 Funds for Interpreter Services.
- S 1325 Transylvania Comm. Coll. Campus/Equip. Funds.
- S 1327 Non-State Entities Reporting Requirements.
- S 1328 Civil War Corridor Information Center Funds.
- S 1329 School-Based Health Centers Funds.
- S 1333 International Civil Rights Museum Funds.
- S 1337 Funds for At-Risk Children.
- S 1338 Investigatorial Assistant Funds/District 16A.
- S 1340 BRAC Funds.
- S 1342 Hospital Svces Payments by Prison/State Hosp.
- S 1344 Trade Jobs for Success/Funds.

**APPROPRIATIONS/BASE BUDGET** (continued)

- S 1348 Funds for University Capital Needs.
- S 1350 Military Business Center.
- S 1351 Greensboro Children's Museum Funds.
- S 1360 Funds for Healthy Carolinians.
- S 1362 Funds for Public Health Incubators.
- S 1363 Carteret Water Resources Develop. Projects.
- S 1367 Food Banks Funds.
- S 1368 Prosecutorial District Monitoring/Funds.
- S 1371 District 26 Funds.
- S 1375 Funds to Track Greenhouse Gases Emissions.
- S 1379 Funds for WakeMed Biomedical Alliance.
- S 1380 Create Jobs/Business & Tech. Telecenters.
- S 1382 RESAs/Staff Development Funds.
- S 1385 Office of Women's Health Funds.
- S 1386 Charter School Grants/Matching Funds.
- S 1388 2004 ESC Omnibus Act.
- S 1389 Mental Health Treatment Court Pilot.
- S 1390 Planning Funds for The Health Adventure.
- S 1392 Fund Real Prop. Faculty Position/IOG.
- S 1393 Local Juvenile Crime Prevention Council Funds.
- S 1394 Funds/Equipment for Grove Arcade Artisans.
- S 1395 Exploris Museum Capital Funds.
- S 1396 Funding for Exploris/Grassroots Program.
- S 1397 Eligibility/Foster Care State Funds Program.
- S 1402 Children's Advocacy Centers' Funds.
- S 1406 Funds/Est. Trade Office in Republic of China.
- S 1409 Regional Water Supplies/Study/Funds.
- S 1410 Offender Education Funds.
- S 1412 Rockingham County Library Funding.
- S 1413 Funds for Diabetes Awareness and Detection.
- S 1416 State Employees/Teachers Pay Increases.
- S 1418 R&R Funds Tied to Energy/Water Conservat'n.
- S 1428 Extend Swift Creek Study/Funds.
- S 1430 NC Home Protection Loan Program/Fund.
- S 1433 Long-Term Care Criminal Backg. Checks.
- S 1434 Judicial Elections.
- S 1435 Home Mortgage Protection Pilot Program.
- S 1436 Tuition Waiver/Wards of the State.
- H 317 State Assistance to Low-Performing LEAs.-AB
- H 471 CDL Changes/Study Moped Tag Identification.
- H 1344 Highway Trust Fund Changes.
- H 1443 Commerce ServiCenter.

**COMMERCE**

- S 50 High-Risk Insurance Pool.
- S 108 No Comprehensive Deductible on Windshields.
- S 346 Repeal Long-Term Care Ins. Tax Credit Sunset.
- S 501 Enhance Elevator & Amusement Device Safety.
- S 506 Disapprove Certain Life Insurance Rules.
- S 513 Adjust Workers' Comp. Award Schedule.
- S 536 Small Business Ombudsman Office.
- S 540 APA Rules/Economic Impact Review.
- S 560 Amend Real Estate License Laws.
- S 573 Managed Care Patient Assistance.
- S 589 Livable State Minimum Wage.
- S 590 Moratorium on Soft Drink Contracts/Schools.
- S 595 Conscience Protection/Contraceptives.
- S 603 Life and Health Insurance Omnibus.
- S 607 Mngd Care/Health Benefits Clarifying Changes.
- S 613 Continuing Care Ret./Tech. Changes.
- S 614 Insurance Technical Corrections.
- S 631 Self-Insured Localities.
- S 632 Workers' Comp./Agricultural Employment.
- S 675 Code Officials Professional Qualifications.
- S 685 Conform Mortgage Lending Laws.
- S 691 Property and Casualty Insurance Omnibus.
- S 743 Energy Assistance Act.
- S 755 Supplemental Insurance for Retirees.
- S 767 Contract Surety Bonds.
- S 770 Insurers Reveal Financial Int in Repairers.
- S 782 Health Insurance Coverage/Early Intervention.
- S 785 Annuity Nonforfeiture Rate Change.
- S 787 No Motor Fuel Sales Limits.
- S 789 Motor Vehicle Repairs/Unfair Trade Practices.
- S 803 Casino Nights.
- S 812 School-Related License Suspension/Auto Ins.
- S 842 Presc. Drug Discounts/Uninsured Elderly.
- S 849 Net Metering.
- S 861 Adopt International Building Code.
- S 900 Telephone Solicitations/Increase Penalties.
- S 905 Raise State Minimum Wage.
- S 913 Streamline Building Code.
- S 947 Credit Card Numbers on Receipts.
- S 967 Insurance Financial Amendments Omnibus.
- S 971 Toner Cartridge Reuse Prohibitions Void.
- S 1037 City of Greenville-Abandoned/Junked Vehicles.
- S 1038 Greenville Parking Deck Projects.
- S 1056 Monetary Compensation - Outdoor Advertising.
- S 1081 Workers' Comp./Trucking.
- S 1192 MV Transfer/Disclosure of Total Loss Claim.
- S 1263 Notice of Add'l Building Code Requirements.
- S 1399 Grape Council Funds and Wine Definitions.

**COMMERCE** (continued)

- H 635 Invisible Fence Systems--Signs Required.
- H 895 Temp. Rules for Gen. Contrs Board/Bidding.
- H 1088 Consumers' Right-to-Know Act.
- H 1370 Workers' Comp./Trucking.

**EDUCATION/HIGHER EDUCATION**

- S 172 School Calendar Flex./Iredell & Catawba.
- S 175 Amend Higher Education Laws.
- S 229 Increase Science & Math School Trustees.
- S 231 Classroom Experience for School Personnel.
- S 431 4th Senatorial District Local Act-2.
- S 496 Management Flexibility and Accountability.
- S 509 Mentor Pilot Program.
- S 618 Health Education Courses/Accurate Info.
- S 639 Textbooks Selected at the Local Level.
- S 640 Schools Must Protect Student Privacy.
- S 641 Elect State Board of Education.
- S 644 UNC System/No Remedial Ed.
- S 645 LEAs & Colleges Operate Charter Schools.
- S 686 Retired Educators Return to Work.
- S 699 Eliminate High School Exit Exam.
- S 709 Make NC LIVE Universally Available to Schs.
- S 710 Teacher Recruitment Incentives/Local Funds.
- S 712 Remove Cap on Charter Schools.
- S 720 Amend UNC Laws.
- S 728 Teacher Education Enrollment Funds.
- S 738 Assistance to LEAs on Implementation of NCLB.
- S 749 Flex. in Use of Substitute Teacher Funds.
- S 781 No Penalty for Teachers Taking Personal Leave.
- S 843 Inform Parents of Student Progress.
- S 857 Student Transportation Purchases.
- S 866 School of Science Math/College Scholarships.
- S 869 Restrict UNC Ownership of Certain Properties.
- S 909 Revise Funding Formula for LEP Students.
- S 929 Award-winning Teachers Keep Benefits.
- S 932 Amend Law/Charter School Advisory Committee.
- S 949 Link Principal's Bonus to 4-year Grad. Rate.
- S 951 Student Advisor to Local Board of Education.
- S 953 Flexibility for Schools with Mentor Funds.
- S 982 Tuition/Out-of-Country Nonresidents.
- S 983 Raise Out-of-State Tuition.
- S 987 Increase Access to Education.
- S 1002 School Starts After Labor Day.
- S 1050 Small School System Supplemental Funding.
- S 1160 In-State Tuition for Military Reservists.
- S 1173 Cabarrus Memorial Hospital Advanced Degrees.
- S 1213 School Calendar Changes.
- S 1226 Teacher Test Flexibility.

**EDUCATION/HIGHER EDUCATION** (continued)

- S 1227 Retired Teachers Changes.
- S 1437 Teaching Fellows at All UNC Campuses.
- H 17 Sch. Curriculum Should Include Consumer Educ.
- H 31 Raise Cap on Charter Schools.
- H 271 Job-sharing for school counselors/Study.
- H 303 Healthy, Active Children In Grades K-8.
- H 319 Charter School Law Changes .-AB
- H 345 Charter Schools Approved for 10 Years.
- H 379 Educational Conditions to Punishment.
- H 463 Update Sch. Counselor Job Description.
- H 678 Eliminate High School Exit Exam.
- H 1162 Modify Law/Charter School Advisory Committee.
- H 1457 Community Solutions for Suspended Students.
- H 1460 Intervention Plans for Suspended Students.

**FINANCE**

- S 96 "Choose Life" License Plate.
- S 99 Streamlined Sales Tax Changes.
- S 103 30th Senatorial District Local Act-2.
- S 106 Roanoke Rapids Annexation.
- S 116 Waive Concealed Permit/Law Officers.
- S 118 Blue Ridge Parkway Foundation Plate.
- S 160 Delegations of Authority.
- S 163 Paramedics Special Plate.
- S 173 Orange County Local Act-2.
- S 203 Roanoke Rapids Private Sale.
- S 220 Winery Wastewater Management.
- S 228 Uniform Tax Refund Procedure.
- S 250 IRC Update.
- S 266 Teacher Tax Credit.
- S 267 Teacher Loan Program.
- S 268 School District Purchases Exempt.
- S 275 Securities Transfer on Death.
- S 287 Incorporate Mills River.
- S 314 Richlands Satellite Annexations.
- S 328 Jonesville Annexation.
- S 337 NC Coastal Federation Special Plate.
- S 339 Airport Authority Installment Purchase.
- S 349 Town of Cashiers Local Act.
- S 379 Duplin County Collections.
- S 391 Mount Pleasant Charter Revisal.
- S 395 Pine Level Satellite Annexations.
- S 397 Alpha Kappa Alpha License Plate.
- S 418 Update Corporate Tax Apportionment Formula.
- S 430 Warren County Telecommunications.
- S 436 Durham Impact Fee for Schools.
- S 448 Pittsboro Deannexation.
- S 461 North Topsail ETJ.

**FINANCE** (continued)

- S 472 Incorporate Wallburg.
- S 479 Durham County School Capital Tax.
- S 480 Durham Development Plans.
- S 484 Durham Impact Fee for Schools.
- S 485 Friends of Appalachian Trail Plate.
- S 487 Durham Auto Tax.
- S 491 Incorporate Northbrook.
- S 499 Property Tax Homestead Exclusion.
- S 500 Autism Awareness Special Plate.
- S 504 UNC Fines/Clarify Deduction of Collect Costs.
- S 512 Auto Property Tax Changes.
- S 524 Aggregates & Asphalt Tax Uniformity.
- S 530 Buffalo Soldiers Special Plate.
- S 535 Contract Agency Compensation.
- S 552 Photo Speed-Measuring Systems.
- S 556 Regulate Ticket Brokers.
- S 574 Earned Income Tax Credit.
- S 575 Court Fee Changes.
- S 576 Sales Tax Exemption for Schools.
- S 578 Promote Downtown Revitalization.
- S 596 Spay/Neuter Funding.
- S 610 Tax Collection at Gun Shows.
- S 612 POW/MIA Special Registration Plate.
- S 615 Trauma Center Fee/Study Commn.
- S 616 Delta Sigma Theta Special Registration Plate.
- S 643 Double Penalties for Traffic Offenders.
- S 660 Gross Premiums Tax Equalization.
- S 663 Property Tax on Yachts.
- S 665 Increase Alcohol Tax/Substance Abuse Services.
- S 666 Travel and Tourism Incentive Grants.
- S 671 Use Value Ownership Requirements.
- S 673 Clarify Fire Tax Calculation.-AB
- S 674 Graduated Corporate Income Tax.
- S 678 Local Govt Commission Fees.
- S 680 Workplace Safety Tax Credits.-AB
- S 682 Amend Revolving Loan & Grant Fund.
- S 683 State Capital Facilities Financing.
- S 711 Sales Tax Exemption for Schools.
- S 719 Phase Down Income Tax Rates.
- S 727 Low-Income Housing Property Tax.
- S 757 Increase Cosmetic Art Fees.
- S 794 Vehicle Property Tax Collection.
- S 797 Soft Drink Tax/School Breakfast.
- S 804 DMV-NCDL/Registration Extensions.
- S 845 Psychiatric Hospital Bonds.
- S 848 Advanced Vehicle Research Center Incentive.
- S 862 Low-Income Housing Property Tax.
- S 871 Waive 1/3 Military Base Gas Tax.

**FINANCE** (continued)

- S 884 Wildlife Conservation - Present-use Value.
- S 904 Correct Research & Development Credit.
- S 906 Small Business Capital Gains Exclusion.
- S 911 Improve Environmental Enforcement.
- S 915 Raise Cigarette Tax for Medicaid.
- S 917 Raise Cigarette/Alcohol Tax for Medicaid.
- S 923 College Vision Tax Deduction.
- S 928 Deduction for Net Capital Gains.
- S 935 Military Expiration of Drivers License.
- S 946 Breast Cancer Awareness Special Plate.
- S 950 Open Spaces Preservation Incentives.
- S 961 Information Technology R&D Credit.
- S 970 Establish Electronics Recycling Program.
- S 980 Voluntary Stormwater Expenses Credit.
- S 988 Raise Cigarette Tax.
- S 997 Support Our Troops.
- S 1004 Luther Jordan Business Development Act.
- S 1005 Information Technology Start-up Incentive.
- S 1036 Grimesland Boundary Restatement.
- S 1059 Small Business Health Insurance Credit.
- S 1061 Modify Bill Lee Tiers.
- S 1062 Extend and Expand JDIG.
- S 1065 Aerial Survey Data Sales Tax.
- S 1068 Tax Credit for Long-Term Care Insurance.
- S 1084 Public Construction Surety Bonds.
- S 1099 Reduce Personal Income Taxes.
- S 1101 Reduce Corporate Income Taxes.
- S 1102 JDIG - Encourage Use of NC Small Businesses.
- S 1115 Alternative R&D Tax Credit.
- S 1132 Exempt Bakery Items from Sales Tax.
- S 1146 Repeal Sunset/Long-Term Care Ins. Tax Credit.
- S 1157 Military Base Support.
- S 1208 Wilson County Deeds/Delinquent Taxes.
- S 1212 DOT Authority to Issue GARVEE Bonds.
- S 1214 Tax Credit for Certain Real Prop. Donations.
- S 1217 Modify Franchise Tax Loophole.
- S 1242 Withholding Exemption Documentation.
- S 1253 Correct Streamlined Sales Tax Inequity.
- S 1267 Increase Cigarette Excise Tax to 75 Cents.
- S 1278 Cap Gas Tax Variable Rate.
- S 1289 Reduce Taxes/Cut Government Spending.
- S 1293 Leland Satellite Annexation.
- S 1304 Reduce Franchise Taxes for Loss Corporations.
- S 1316 Mount Pleasant Annexation.
- S 1317 Bd. of Law Examiners/Fees/Atty. Solicitation.
- S 1326 Extend Low-Income Housing Credit Sunset.
- S 1331 Increase Attorney Tax for Judicial Campaign.
- S 1332 Court Fee Changes.



**FINANCE** (continued)

- S 1345 Credit to Revitalize Certain Mfg. Sites.
- S 1354 UNC Nonappropriated Capital Projects.
- S 1373 Water Conservation in Government Facilities.
- S 1383 4-H Special Registration Plate.
- S 1398 Exempt Certain Nonprofit Organizations.
- S 1404 Clean Water Act of 2004.
- S 1405 First-Time Home Buyer Savings Accounts.
- S 1411 Corporate Income Tax Exemption.
- S 1417 Amend Tobacco Reserve Fund.
- S 1419 Sweepers Motor Fuels Tax Refund.
- S 1422 Freeze Motor Fuels Tax.
- S 1423 Create New Jobs/Recruit New Business.-AB
- S 1426 Optional Simple Income Tax.
- S 1429 Exempt Agricultural Mulch and Bed Covers.
- H 29 Bladenboro Satellite Annexations.
- H 96 Avery County Occupancy Tax.
- H 757 Oak Island Annexations.
- H 798 Securities Transfer on Death.
- H 995 Purple Heart Plates-Parking Meters.
- H 1149 No Sales Tax on Certain Free Publications.
- H 1203 Amend/Study Motor Fuel Marketing Act.
- H 1289 Amend Private Protective Services Act/Fees.
- H 1292 Target Incentives to Truly Distressed Areas.
- H 1316 N.C. Travel and Tourism Investment Act.
- H 1323 CAMA Permit Fees.
- H 1378 Edgecombe/Wilson Deeds.
- H 1413 Tax Credit for Long-Term Care Insurance.
- H 1415 Alternative R&D Tax Credit.
- H 1424 Public Construction Surety Bonds.
- H 1444 JDIG - Encourage Use of NC Small Businesses.
- H 1609 Correct Streamlined Sales Tax Inequity.
- H 1760 Clawback Failed Incentives.

**HEALTH & HUMAN RESOURCES**

- S 253 Expand Special Assistance Demo Project.
- S 255 LTC Workforce Improvement Program.
- S 415 Health Insurance/Marriage & Family Therapists.
- S 433 4th Senatorial District Local Act-4.
- S 533 Exemption From MH Facility Licensing.
- S 602 Controlled Substance/Physician Registration.
- S 617 Repeal Involuntary Sterilization.
- S 638 Parental Notice of Health Care.
- S 654 Amend MH Confidentiality Statutes.
- S 724 Discharge from Adult Care Homes.
- S 741 Medical Board Membership.
- S 850 LCSW/Qualified Professional for MH Commitmt.
- S 880 UNC/Add Nonsmoking Areas.
- S 942 Abortion/Extend Conscience Protection.

**HEALTH & HUMAN RESOURCES** (continued)

- S 964 Deaf/Hard of Hearing Advisory Council.
- S 1006 Reform Medical Board.
- S 1154 DHHS Study/Medicaid Institutional Bias.
- S 1215 Children's Trust Fund/DPI to DHHS.
- S 1346 Local Health Dept. Accreditation.
- S 1361 Local Health Department Accreditation/Funds.
- H 318 Children With Disabilities/Federal Law.-AB
- H 943 Schools Can't Recommend Some Medications.
- H 1256 Voluntary DNA Database.

**JUDICIARY I**

- S 5 Clarify Jurisdiction.
- S 7 DNA Registry.
- S 11 DNA Samples/All Felonies.
- S 22 Four-Year Terms.
- S 23 Four-Year Term Implementing.
- S 27 Constit. Amend./Employer Contrib Rates.-AB
- S 44 Revenue Estimates Limited.
- S 54 Law Enforcement Officer Discipline.
- S 140 Protection of Historic Monuments.
- S 144 Unauthorized Practice of Medicine/Felony.
- S 153 Adverse Reactions to Smallpox Vaccination.
- S 207 Restructure Prior Crim Record Pts.
- S 208 Sentence Lengths.
- S 209 Adjust B1-E Felony Penalties.
- S 254 DHHS/Ensure No Felons Emp. in Long-Term Care.
- S 256 Budget Growth Factor.
- S 329 Nurse Testimonial Privilege.
- S 370 CDL/DWI Changes.
- S 393 Amend Secret Peeping.
- S 481 Adjust Workers' Comp. Award Schedule.
- S 528 Amend Post-Release Supervision Laws.
- S 531 Antiterrorism/End Residency Affidavits.
- S 534 Just Comp./Local Gov. Taking.
- S 566 Limit Covenants Not To Compete.
- S 570 Notarized Consent for Minor's Abortion.
- S 571 Abortion - Woman's Right to Know.
- S 572 District Judge 8-Year Terms.
- S 584 Judicial Appointment/Voter Retention.
- S 605 Occupational Safety-Work in Manholes.
- S 606 Criminal History Records Checks.
- S 609 Improper UCC Filings Penalty.
- S 649 New Party Ballot Access.
- S 650 Indep. Redist. Comm./Constitutional.
- S 651 Indep. Redist. Comm./Statutory.
- S 688 Nonpartisan DA Election.
- S 726 Judicial Branch Independence.
- S 736 Expand Scope of Hate Crimes.

**JUDICIARY I** (continued)

- S 745 Same Day Registration.
- S 761 Enhance Firearms Penalties.
- S 762 Regional Public Transportation Liability.
- S 764 Felons Can't Possess Firearms.
- S 858 Help America Vote Act Compliance.
- S 878 Fair Bargain Act.
- S 899 Repeal Exception to Plumbing/HVAC Licensure.
- S 910 Guaranteed Energy Savings Contract Efficiency.
- S 914 Modernize City/County Planning.
- S 921 Workplace Violence.
- S 922 Paralegal Profession Act.
- S 960 Repeal Antiquated Laws.
- S 1007 State Government EEO.
- S 1009 Voter-Owned Elections.
- S 1012 Exempt Legislators/Cont. Ed. Req. During Term.
- S 1013 Require Filing Written Judgment in 60 Days.
- S 1017 Detector Dogs Reg./Fee Requirements.
- S 1057 Defense of Marriage.
- S 1076 State Highway Patrol Authority.
- S 1082 DOT Minority/Women Businesses Program.
- S 1087 Interest on Highway Condemnation Awards.
- S 1088 Moped ID Tags.
- S 1091 Transit Drug Test.
- S 1094 Electronic Filing/Register of Deeds.
- S 1103 Petition to Determine Need for Rule/APA.
- S 1104 Repeal Medical Coverage Policy APA Exemption.
- S 1138 APA Technical/Clarifying Changes.
- S 1139 Standards for Review of Rules by RRC.
- S 1190 Assault on Law Officer/Emergency Personnel.
- S 1222 Limit Liability for Environmental Cleanups.
- S 1341 DMV Officers Supplemental Jurisdiction.
- S 1403 Open Discovery/Crim Cases.
- S 1432 Amend Lobbying Laws - 3.
- H 969 Constit. Amend./Magistrates' Terms.
- H 1207 Rules Subj. to Legislative Review/Summaries.
- H 1359 DOT Minority/Women Businesses Program.

**JUDICIARY II**

- S 135 Criminal Unauthorized Recordings.
- S 145 Physician-Assisted Suicide.
- S 263 Drivers License Expires When Visa Expires.
- S 331 Family Protection Act.
- S 354 Technical Corrections Act.
- S 527 Death by Vehicle.
- S 748 Only Easements.
- S 766 Pretrial Release Program/Statewide Uniformity.
- S 798 City/County Antidiscrimination Ordinances.
- S 882 Due Process for Physicians.

**JUDICIARY II** (continued)

- S 901 Protect Rights/Motion to Strike.
- S 956 Improve Rulemaking Process.
- S 969 Sexual Privacy Act.
- S 1124 Amend Structured Sentencing/Post Release Supv.
- H 1219 Clarify Def. of Divisible Property/Equ. Dist.

**PENSIONS & RETIREMENT AND AGING**

- S 10 Modify Retired Educator Option.
- S 53 Law Officers' 25-Year Retirement.
- S 56 Increase Fire and Rescue Squad Pension.
- S 325 Death Benefits for Firemen's Heart Attacks.
- S 371 Retirement Contribution Rates.-AB
- S 404 City of Lumberton Firemen's Fund.
- S 411 Amend Mecklenburg Law Enforce. Pension Fund.
- S 412 Broaden Coverage/Fire and Rescue Pension.
- S 451 Enhance Retirement Benefits.-AB
- S 473 Retirement System Technical Changes.-AB
- S 483 Amend Durham Firefighters' Retirement.
- S 670 Creditable Service/Workers' Compensation.
- S 817 Deferred Retirement Option Program.
- S 930 Retirement System Disclosure.
- S 948 Increase Death Benefits for Public Servants.
- S 1046 Fire and Rescue Pension Increase.
- S 1079 DOT Retired Engineers.
- S 1163 Reciprocity/Optional Retirement System.
- S 1249 Retirement/Teacher Exchange Programs.
- H 34 Charter Sch. & State Retire. & Med. Plans.
- H 1166 Local Flex. Regarding Job Sharing in Schools.

**RULES AND OPERATIONS OF THE SENATE**

- S 13 DNA Analysis/Sex Assault Kits.
- S 14 33rd Senatorial District Local Act-1.
- S 15 33rd Senatorial District Local Act-2.
- S 16 33rd Senatorial District Local Act-3.
- S 17 33rd Senatorial District Local Act-4.
- S 18 Resolving Elections.
- S 24 Blank Appropriations Bill-1.
- S 25 Blank Appropriations Bill-2.
- S 26 Blank Appropriations Bill-3.
- S 32 Motorcycle Awareness Month.
- S 40 21st Senatorial District Local Act-2.
- S 41 21st Senatorial District Local Act-1.
- S 42 Public Laws - 1.
- S 43 Public Laws - 2.
- S 45 Blank Appropriations Bill-2.
- S 46 Blank Appropriations Bill-3.
- S 47 Blank Appropriations Bill-1.

**RULES AND OPERATIONS OF THE SENATE** (continued)

- S 58 Blank Appropriations Bill-1.
- S 59 Blank Appropriations Bill-2.
- S 60 Blank Appropriations Bill-3.
- S 62 Judicial Reform/Blank Bill.
- S 63 Pro Tem & Speaker Appointments Bill.
- S 65 State Health Plan - 3.
- S 66 State Health Plan - 2.
- S 67 Appropriations for FY 2003-2004 - 1.
- S 68 Appropriate Funds for FY 2003-2004 - 2.
- S 69 Appropriate Funds for FY 2003-2004 - 3.
- S 70 19th Senatorial District Local Act - 1.
- S 71 19th Senatorial District Local Act - 2.
- S 72 19th Senatorial District Local Act - 3.
- S 73 19th Senatorial District Local Act - 4.
- S 77 25th Senatorial District Local Act-2.
- S 78 25th Senatorial District Local Act-3.
- S 79 25th Senatorial District Local Act-4.
- S 80 Public Laws - 1.
- S 81 Public Laws - 2.
- S 82 Public Laws - 3.
- S 84 11th Senatorial District Local Act-2.
- S 85 11th Senatorial District Local Act-3.
- S 86 11th Senatorial District Local Act-4.
- S 87 32nd Senatorial District Local Act-1.
- S 88 32nd Senatorial District Local Act-2.
- S 91 46th Senatorial District Local Act-3.
- S 92 32nd Senatorial District Local Act-3.
- S 98 Fund-raising Efforts/Hist. Black Coll. and Univ.
- S 101 31st Senatorial District Local Act.
- S 104 30th Senatorial District Local Act-3.
- S 105 30th Senatorial District Local Act-4.
- S 110 3rd Senatorial District Local Act-1.
- S 111 3rd Senatorial District Local Act-2.
- S 112 3rd Senatorial District Local Act-3.
- S 113 Promote Economic Development - 1.
- S 114 Promote Economic Development - 2.
- S 115 Amend Bill Lee Act.
- S 120 Public Laws - 2.
- S 121 28th Senatorial District Local Act.
- S 125 13th Senatorial District Local Act-3.
- S 126 13th Senatorial District Local Act-2.
- S 127 City of High Point Local Act.
- S 128 Unincorp. Portion of 28th Senatorial Dist.
- S 129 47th Senatorial District Local Act-1.
- S 130 47th Senatorial District Local Act-2.
- S 131 47th Senatorial District Local Act-3.
- S 132 47th Senatorial District Local Act-4.
- S 133 47th Senatorial District Local Act-5.

**RULES AND OPERATIONS OF THE SENATE** (continued)

- S 134 47th Senatorial District Local Act-6.
- S 142 LRC To Study Nursing Shortage.
- S 143 LRC To Study Envr. Causes of Cancer.
- S 146 22nd Senatorial District Local Act-1.
- S 147 22nd Senatorial District Local Act-2.
- S 148 22nd Senatorial District Local Act-3.
- S 149 23rd Senatorial District Local Act-1.
- S 150 23rd Senatorial District Local Act-2.
- S 151 23rd Senatorial District Local Act-3.
- S 152 23rd Senatorial District Local Act-4.
- S 154 8th Senatorial District Local Act-1.
- S 155 8th Senatorial District Local Act-2.
- S 156 8th Senatorial District Local Act-3.
- S 157 Brunswick County Local Act.
- S 158 Pender County Local Act.
- S 159 Columbus County Local Act.
- S 164 Harnett County Local Act.
- S 165 Sampson County Local Act.
- S 166 Duplin County Local Act.
- S 169 12th Senatorial District Local Act-3.
- S 170 12th Senatorial District Local Act-4.
- S 178 Blank Appropriations - 3.
- S 180 29th Senatorial District Local Act-2.
- S 182 17th Senatorial District Local Act-2.
- S 183 17th Senatorial District Local Act-3.
- S 184 Wake County Local Act-1.
- S 185 Wake County Local Act-2.
- S 186 26th Judicial District Act.
- S 187 26th Judicial District Act.
- S 188 City of Charlotte Local Act-1.
- S 189 City of Charlotte Local Act-2.
- S 190 City of Charlotte Local Act-3.
- S 191 Mecklenburg County Local Act-1.
- S 192 Mecklenburg County Local Act-2.
- S 193 Charlotte-Mecklenburg Schools.
- S 194 Blank Appropriations - 1.
- S 195 Blank Appropriations - 2.
- S 196 Blank Appropriations - 3.
- S 197 Public Laws - 1.
- S 198 Public Laws - 2.
- S 199 Public Laws - 3.
- S 200 Amend Revenue Laws.
- S 201 Amend Revenue Laws - 2.
- S 202 Amend Revenue Laws - 3.
- S 206 Long-term Care Remediation/Study.
- S 210 18th Senatorial District Local Act-1.
- S 211 18th Senatorial District Local Act-2.
- S 212 18th Senatorial District Local Act-3.

**RULES AND OPERATIONS OF THE SENATE** (continued)

- S 213 Amend Laws-1.
- S 215 Amend Laws-3.
- S 217 Blank Appropriations-2.
- S 218 Blank Appropriations-3.
- S 221 Public Schools - Blank Bill 1.
- S 222 Public Schools - Blank Bill 2.
- S 223 Public Schools - Blank Bill 3.
- S 224 Community College Law- Blank Bill.
- S 233 Chatham County Local Act-1.
- S 234 Chatham County Local Act-2.
- S 237 5th Senatorial District Local Act.
- S 238 5th Senatorial District Local Act-2.
- S 239 5th Senatorial District Local Act-3.
- S 240 5th Senatorial District Local Act-4.
- S 246 43rd Senatorial District Local Act-1.
- S 247 43rd Senatorial District Local Act-2.
- S 248 43rd Senatorial District Local Act-3.
- S 249 43rd Senatorial District Local Act-4.
- S 257 44th Sen. District Local Act-1.
- S 258 44th Sen. District Local Act-2.
- S 259 44th Sen. District Local Act-3.
- S 260 44th Sen. District Local Act-4.
- S 265 42nd Senatorial District Local Act.
- S 269 6th Senatorial District Local Act-1.
- S 270 6th Senatorial District Local Act-2.
- S 271 6th Senatorial District Local Act-3.
- S 272 6th Senatorial District Local Act-4.
- S 273 Guardianship Study.
- S 278 Henderson Co. Local Act-1.
- S 279 Henderson Co. Local Act-2.
- S 280 Polk Co. Local Act-1.
- S 281 Polk Co. Local Act-2.
- S 282 Ashe County Local Act.
- S 283 Alleghany County Local Act.
- S 284 Caldwell County Local Act.
- S 285 Watauga County Local Act.
- S 286 Wilkes County Local Act.
- S 296 7th Senatorial District Local Act-1.
- S 297 7th Senatorial District Local Act-2.
- S 298 7th Senatorial District Local Act-3.
- S 299 7th Senatorial District Local Act-4.
- S 300 Amend Tax Laws.
- S 302 Amend Finance Laws-2.
- S 303 Finance Law Changes 1.
- S 304 Finance Law Changes 2.
- S 305 Finance Law Changes 3.
- S 308 14th Senatorial District Local Act-1.
- S 309 14th Senatorial District Local Act-2.

**RULES AND OPERATIONS OF THE SENATE** (continued)

- S 310 14th Senatorial District Local Act-3.
- S 311 14th Senatorial District Local Act-4.
- S 312 14th Senatorial District Local Act-5.
- S 313 14th Senatorial District Local Act-6.
- S 316 42nd Senatorial District Local Act-2.
- S 318 36th Senatorial District Local Act-2.
- S 320 Cabarrus County Local Act-2.
- S 321 Rowan County Local Act.
- S 332 2nd Senatorial District Local Act-1.
- S 333 2nd Senatorial District Local Act-2.
- S 334 2nd Senatorial District Local Act-3.
- S 335 2nd Senatorial District Local Act-4.
- S 336 Community College Law - Blank Bill 1.
- S 340 Davie County Local Act-1.
- S 341 Davie County Local Act-2.
- S 342 Rowan County Local Act-1.
- S 343 Rowan County Local Act-2.
- S 344 Yadkin County Local Act-1.
- S 345 Yadkin County Local Act-2.
- S 347 50th Senatorial District Local Act-1.
- S 348 50th Senatorial District Local Act-2.
- S 350 Town of Franklin Local Act.
- S 351 Town of Murphy Local Act.
- S 352 Town of Sylva Local Act.
- S 358 11th Senatorial District Local Act-5.
- S 359 Forsyth Charter Sch/Raise Cap.
- S 361 49th Senatorial District Local Act-1.
- S 362 49th Senatorial District Local Act-2.
- S 363 49th Senatorial District Local Act-3.
- S 364 49th Senatorial District Local Act-4.
- S 367 27th Senatorial District Local Act-1.
- S 368 27th Senatorial District Local Act-2.
- S 369 27th Senatorial District Local Act-3.
- S 372 City of Raleigh Local Act-1.
- S 373 City of Raleigh Local Act-2.
- S 374 Town of Cary Local Act-1.
- S 375 Town of Cary Local Act-2.
- S 376 Town of Cary Local Act-3.
- S 377 Weight Limit Changes.
- S 380 Town of Wallace Local Act.
- S 381 41st Senatorial District Local Act-1.
- S 382 41st Senatorial District Local Act-2.
- S 383 41st Senatorial District Local Act-3.
- S 385 Promote Economic Development - 1.
- S 386 Promote Economic Development - 2.
- S 392 Memorializing Mary Lewis Wyche.
- S 398 38th Senatorial District Local Act-1.
- S 399 38th Senatorial District Local Act-2.



**RULES AND OPERATIONS OF THE SENATE** (continued)

- S 400 38th Senatorial District Local Act-3.
- S 401 24th Senatorial District Local Act-1.
- S 402 24th Senatorial District Local Act-2.
- S 403 24th Senatorial District Local Act-3.
- S 405 Guilford Co. Local Act-1.
- S 406 Guilford Co. Local Act-2.
- S 407 Guilford Co. Local Act-3.
- S 409 Rockingham Co. Local Act-2.
- S 410 Rockingham Co. Local Act-3.
- S 413 Dix Hospital Property Study.
- S 432 4th Senatorial District Local Act-3.
- S 438 Town of Midland Local Act.
- S 446 Town of Clayton Local Act-1.
- S 447 Town of Clayton Local Act-2.
- S 454 35th Senatorial District Local Act-1.
- S 455 35th Senatorial District Local Act-3.
- S 456 35th Senatorial District Local Act-4.
- S 457 Mecklenburg County Local Act-1.
- S 458 Mecklenburg County Local Act-2.
- S 514 Public Laws -1.
- S 515 Public Laws - 1.
- S 516 Public Laws - 2.
- S 518 Public Laws - 2.
- S 520 Revenue Laws Property Tax Study.
- S 525 Honoring 250th Anniv. Rowan County/Matthew Rowan.
- S 538 Memorializing Elmer "E.V." Wilkins.
- S 541 Public Laws - 1.
- S 542 Public Laws - 2.
- S 543 Public Laws - 3.
- S 544 Public Laws - 1.
- S 545 Public Laws - 2.
- S 546 Public Laws - 3.
- S 547 Public Laws - 4.
- S 553 LRC Study Immigration Issues.
- S 554 Quality Teachers = Quality Education.
- S 562 Rural Infrastructure.
- S 564 Establish NC Fishermen's Fund.
- S 565 Public Laws.
- S 579 Public Laws - 3.
- S 580 Public Laws - 4.
- S 581 Public Laws - 5.
- S 597 Licensure Requirements for Auto Repair Shops.
- S 598 License Automobile Windshield Installers.
- S 611 Assistance to Armed Service Members.
- S 621 Quality Teachers = Quality Education.
- S 625 Controlled Substance Accountability Act.
- S 634 LRC Study Medical Errors.
- S 636 LRC/Educ. Pub./Ovarian Cancer Risks & Prevent.

**RULES AND OPERATIONS OF THE SENATE** (continued)

- S 646 Public Laws.
- S 653 Divestiture of Property: MH/DD/SA .
- S 681 Economic Initiatives.
- S 689 Public Laws - 1.
- S 690 Public Laws - 2.
- S 696 Initiatives to Address Teacher Shortages.
- S 703 Legislative Study Commission on Rural Schools.
- S 713 Workers Comp./Restore Integrity.
- S 734 Public Laws -3.
- S 735 Public Laws -4.
- S 739 Public Laws -1.
- S 740 Public Laws -2.
- S 742 Living Income Study Commission.
- S 744 Repeal Felony Murder Rule.
- S 746 Mem. Bartlett Durham/Durham's 150th Anniversary.
- S 747 State Employee Pay Equity.
- S 752 Economic Initiatives.
- S 768 Study School Buses/Alternative Fuels.
- S 779 Schools Begin After Labor Day.
- S 790 Mountain Trout Enhancement Study.
- S 792 Incentives to Keep Top Students in State.
- S 809 Consider Sale or Lease of State Property.
- S 815 Amend Public Laws - 2.
- S 816 State Health Plan - 1.
- S 818 Economic Initiatives.
- S 821 Governor's Efficiency Commission.
- S 832 LRC Study Dairy Farmers Assistance.
- S 838 Marine Fisheries Studies.
- S 844 Magistrate Supervision Study.
- S 854 Manufactured Housing.
- S 855 Amend UNC Laws.
- S 860 Simplified Business Enterprise Taxation.
- S 865 Legislative Building Quadrants Named.
- S 874 OSH Investigations/Violations.
- S 875 Amend Public Laws.
- S 889 Wind Energy Study.
- S 891 Safe Child Care in NC.
- S 892 Alternative Healing Arts.
- S 893 Affordable Housing.
- S 894 Housing Equity Gap Study.
- S 895 Facilitate NC Architecture.
- S 896 NC Commission for Urban Cores.
- S 924 Reduce Scope/Size Boards & Commissions/Study.
- S 931 No Portfolio Required/Teacher Certification.
- S 937 Amend Water and Sewer Laws.
- S 968 LRC Study State Purchase/Phamaceuticals.
- S 976 Protect Consumers Seeking Debt Assistance.
- S 978 Gov's Advocacy Council/Persons/Disabilities.

**RULES AND OPERATIONS OF THE SENATE** (continued)

- S 984 Lower Taxes by Cutting Waste & Incentives.
- S 998 Small Business Unemployment.
- S 1000 FSU-School of Engineering.
- S 1001 Study Total Teacher Program.
- S 1014 Study/Chronically Ill and Disabled in Prison.
- S 1025 Rocky River Friends Church 250th Anniversary.
- S 1028 Memorializing Robert Lafayette "Bob" Martin.
- S 1039 Blank Appropriations Bill-1.
- S 1040 Blank Appropriations Bill-2.
- S 1042 Marriage by Superior/District Court Judge.
- S 1048 Amend Sex Offender Registration.
- S 1049 Enabling/Amend Sex Offender Registration.
- S 1105 Blank Appropriations Bill-1.
- S 1106 Blank Appropriations Bill-2.
- S 1107 33rd Senatorial District Local Act-2.
- S 1108 Pender County Local Act.
- S 1109 Columbus County Local Act.
- S 1110 33rd Senatorial District Local Act-1.
- S 1113 8th Senatorial District Local Act.
- S 1114 Brunswick County Local Act.
- S 1123 Chapel Hill Campaign Finance Options.
- S 1129 25th Senatorial District Local Act-1.
- S 1130 25th Senatorial District Local Act-2.
- S 1131 25th Senatorial District Local Act-3.
- S 1137 Dairy Funds.
- S 1140 City of Asheville Local Act-1.
- S 1141 City of Asheville Local Act-2.
- S 1142 Buncombe County Local Act-1.
- S 1143 Buncombe County Local Act-2.
- S 1165 36th Senatorial District Local Act.
- S 1166 Cabarrus County Local Act.
- S 1182 City of Raeford Local Act.
- S 1183 City of Lumberton Local Act.
- S 1184 Robeson County Local Act-1.
- S 1185 Robeson County Local Act-2.
- S 1186 Hoke County Local Act-1.
- S 1187 Hoke County Local Act-2.
- S 1188 Horace Williams Airport.
- S 1193 City of High Point Local Act.
- S 1194 Guilford County Local Act.
- S 1196 Youthful Offender Study.
- S 1197 LRC Study/Trafficking of Persons.
- S 1199 Blank Appropriations Bill - 1.
- S 1200 Forsyth County Local Act-2.
- S 1206 46th Senatorial District Local Act-1.
- S 1216 Child Protective Services Special Provisions.
- S 1230 Modify Finance Laws for 2004-2005.
- S 1231 Modify Finance Laws for 2004-2005 - 2.

**RULES AND OPERATIONS OF THE SENATE** (continued)

- S 1232 Enabling/Federal Jurisdiction/Council of State.
- S 1237 12th Senatorial District Local Act-1.
- S 1241 12th Senatorial District Local Act-2.
- S 1246 Blank Appropriations Bill - 2.
- S 1251 City of Greensboro Local Act.
- S 1260 Rowan County Local Act.
- S 1261 Cabarrus County Local Act-2.
- S 1262 36th Senatorial District Local Act-2.
- S 1268 LRC Study/Naturopathic Pract'r. Lic./Funds.
- S 1273 Rockingham County Local Act-1.
- S 1274 Rockingham County Local Act-2.
- S 1275 Guilford County Local Act-1.
- S 1276 Guilford County Local Act-2.
- S 1280 Bladen County Local Act.
- S 1281 Cumberland County Local Act.
- S 1282 19th Senatorial District Local Act- 2.
- S 1283 Appointments Bill.
- S 1284 Blank Appropriations Bill-2.
- S 1285 Blank Appropriations Bill-3.
- S 1287 19th Senatorial District Local Act.
- S 1297 2nd Senatorial District Local Act-1.
- S 1298 2nd Senatorial District Local Act-2.
- S 1299 Blank Appropriations Bill - 2.
- S 1313 Postretirement Earnings Study.
- S 1318 Allocation Formula/Child Care Subsidy Funds.
- S 1320 City of Henderson Local Act.
- S 1321 Nash County Local Act.
- S 1322 City of Rocky Mount Local Act.
- S 1330 Study State Business Taxation.
- S 1334 City of Greensboro Local Act-2.
- S 1335 City of Greensboro Local Act-1.
- S 1336 Study State-Local Relationships.
- S 1352 14th Senatorial District Local Act.
- S 1372 Local School Construction Financing Study.
- S 1374 ERC Air Quality/Transportation Studies.
- S 1377 State Fire Protection Study/Funds.
- S 1378 Study State Personnel Act/Funds.
- S 1381 Catawba Law Change Local Act-1.
- S 1400 Amend Board of Governors.
- S 1401 Authorize/DMV Officers Enforce Laws.
- S 1415 Voter Paper Trail Study.
- S 1420 Appointments Bill.
- S 1421 LRC Study State Health Plan Newborn Coverage.
- S 1424 Authorize Baby Greer Act Legislation.
- S 1425 Fetal Murder.
- S 1427 Study Interstate Tax Cooperation.
- S 1442 Antiterrorism/End Residency Affidavits.
- H 23 Uniform Personal Watercraft Laws.

**RULES AND OPERATIONS OF THE SENATE** (continued)

- H 53 Honor Vernon James.
- H 65 Autopsy Photos Not Public Record.
- H 131 Concealed Handgun Reciprocity.
- H 429 Monetary Comp./Outdoor Advertising.
- H 506 UNC/BOG Student Member Vote.
- H 551 Attendance Age/Eligibility/Schools for Deaf.
- H 693 50th Anniversary of the ACC.
- H 796 Prohibit Sale of Dorothea Dix Property.
- H 888 Purchase Flex/Sch Transportation.
- H 1047 Abolish Alienation of Affection/Crim. Conv.
- H 1146 Retainage Rules/Public Contracts.
- H 1540 Enabling Resol./UNC Report Out-of-State Enroll.
- H 1544 Enabling Res/Term. Par. Rights/Murder of Par.
- H 1558 Support of the Military in North Carolina.
- H 1565 State Budget Act.

**SELECT COMMITTEE ON EMPLOYEE HOSPITAL AND MEDICAL BENEFITS**

- S 508 State Health Plan/Temporary Employees.
- S 569 No Abortions Under State Health Plan.
- S 729 UNC Flexible Benefits Clarification.
- S 1051 Sunset Beach in State Health Plan.

**SELECT COMMITTEE ON INSURANCE AND CIVIL JUSTICE REFORM**

- S 9 Medical Malpractice Damages/Attorneys' Fees.
- S 820 Limit Liability for Certain Volunteers.
- S 879 No Secret Medical Malpractice Settlements.
- S 941 Medical Malpractice Insurance Task Force.
- S 1018 Health Care Provider Prof. Liab. Ins. Changes.
- H 1043 Health Provider Immunity/Terrorist Incidents.

**STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS' AFFAIRS**

- S 177 Blank Appropriations - 2.
- S 179 29th Senatorial District Local Act-1.
- S 442 Charlotte Transit Contracts.
- S 443 Charlotte Charter Nondiscrimination Policy.
- S 459 Holly Springs Tree Ordinances.
- S 493 Carrboro Inclusionary Zoning.
- S 637 Annexation Referendum.
- S 788 State Personnel Act Changes.
- S 807 Combine State Safety Programs.
- S 808 Consolidate Administrative Functions.
- S 1034 Lake Toxaway Motor Vehicle Regulation.
- S 1047 Chadbourn Mayor's Term.
- S 1066 Indian Trail Town Attorney.
- S 1080 Highway Trust Fund Changes.
- S 1203 State Budget Act.

**STATE GOVERNMENT, LOCAL GOVERNMENT, AND VETERANS'****AFFAIRS** (continued)

- S 1207 Pitt County Subdivisions.
- S 1238 Garner/Unsafe Residential Buildings.
- S 1250 Greensboro Ordinance Publication.
- S 1252 Greensboro Claim Settlements.
- S 1264 Charlotte Regional Visitors Authority.
- S 1286 Elizabethtown Charter Amendments.
- S 1307 Asheville ABC Board Membership Increased.
- S 1308 Asheville Civil Service Board.
- S 1353 Monroe Claims Settlement.
- S 1359 Durham/25-Year LEO Retirement.
- H 263 Lumberton Unsafe Buildings.
- H 571 Rocky Mount Overgrown Vegetation Ordinance.
- H 695 Troy Red Light Cameras.
- H 734 Durham Housing Appeals Board.
- H 1211 N.C. Arboretum/Board Membership.
- H 1566 Abolish Wilkes County Coroner.
- H 1687 Cabarrus Board of Equalization and Review.

**TRANSPORTATION**

- S 37 DOT Retired Engineers.
  - S 426 Abandonment by DOT of City Roadways.
  - S 526 Cartways-Relocation of Roadway by DOT.
  - S 635 Medical Specialities on Drivers License.
  - S 864 MPO/RTO Transportation Planning Funding.
  - S 885 Windshields Required and Inspected.
  - S 1003 Prosperity Project - Highway Corridor.
  - H 970 School Bus Driver Medical Evaluations.
  - H 1343 Moped ID Tags.
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**APPENDIX**

**SENATE JOURNAL**

**2003 SESSION**

**SECOND SESSION**

**2004**



**NORTH CAROLINA GENERAL ASSEMBLY  
SENATORIAL DISTRICTS**

DISTRICTS (Seats)	COUNTIES Townships, Precincts, Census Tracts, Block Groups
1st (1)	<b>BEAUFORT; CAMDEN; CHOWAN; CURRITUCK; DARE; HYDE; PASQUOTANK; PERQUIMANS.</b>
2nd (1)	<b>CARTERET; CRAVEN; PAMLICO.</b>
3rd (1)	<b>BERTIE; EDGEcombe; MARTIN; TYRRELL; WASHINGTON; PITT</b> (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)	<b>GATES; HALIFAX; HERTFORD; NORTHAMPTON; WARREN; VANCE</b> (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)	<b>WILSON; PITT</b> (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)	<b>JONES; ONSLOW.</b>
7th (1)	<b>GREENE; LENOIR; WAYNE</b> (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)	<b>BRUNSWICK; COLUMBUS; PENDER.</b>
9th (1)	<b>NEW HANOVER.</b>
10th (1)	<b>DUPLIN; SAMPSON; HARNETT</b> (Precinct AVERASBORO 1, Precinct AVERASBORO 2, Precinct AVERASBORO 3, Precinct AVERASBORO 4, Precinct AVERASBORO 5, Precinct BLACK RIVER, Precinct DUKE 1, Precinct DUKE 2, Precinct DUKE 3, 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

- 18th (1) 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023,  
(continued) Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block  
1029, 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

- 21st (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 29, Precinct Greensboro 30, Precinct Greensboro 31,

## DISTRICTS COUNTIES

(Seats) Townships, Precincts, Census Tracts, Block Groups

- 27th (1) Precinct Greensboro 32, Precinct Greensboro 33, Precinct Greensboro 34,  
(continued) 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) **GULFORD** (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

## DISTRICTS COUNTIES

(Seats) Townships, Precincts, Census Tracts, Block Groups

- 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



## DISTRICTS COUNTIES

(Seats) Townships, Precincts, Census Tracts, Block Groups

- 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

## DISTRICTS COUNTIES

(Seats) Townships, Precincts, Census Tracts, Block Groups

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

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- 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

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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).

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**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 2003 First Extra Session on November 15, 2003.

The full text of Executive Orders 54 through 60 issued by Governor Michael F. Easley can be found in the Session Laws of the 2003 General Assembly, Regular Session 2004.

<b>Executive Order</b>	<b>Title</b>	<b>Date of Issuance</b>
54	<b>Governor's Task Force on Driving While Impaired.</b>	December 4, 2003
55	<b>Extending the North Carolina State Health Coordinating Council.</b>	January 12, 2004
56	<b>North Carolina Interagency Council for Coordinating Homeless Programs.</b>	January 20, 2004
57	<b>Amending Executive Order No. 54. Executive Order No. 54, Governor's Task Force on Driving While Impaired.</b>	April 16, 2004
58	<b>Extending Executive Order Nos. 48 and 12. Executive Order No. 48, Juvenile Justice Planning Committee. Executive Order No. 12, Extending Executive Order No. 48.</b>	May 20, 2004
59	<b>Proclamation of State Disaster for the Towns of Bolton, Lake Waccamaw, Chadbourn, Tabor City and Fair Bluff and the City of Whiteville.</b>	June 1, 2004
60	<b>Service Contracts Shall be Awarded in the Best Interest of the State.</b>	June 1, 2004

## SENATE COMMITTEE ASSIGNMENTS

<u>COMMITTEE</u>	<u>STANDING MEETING TIME/ROOM</u>
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### AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES

Tues/Thurs—544 LOB—11:00 AM

<b>Chairman</b>	Senator Albertson
<b>Vice Chairman</b>	Senator Allran
<b>Vice Chairman</b>	Senator Kinnaird
<b>Vice Chairman</b>	Senator Lucas
<b>Vice Chairman</b>	Senator Weinstein
<b>Ranking Minority</b>	Senator Horton
<b>Members</b>	Senators Bingham, Brock, Clodfelter, Garwood, Hargett, Hartsell, Holloman, Hunt, Jenkins, Queen, Reeves, Smith, Thomas, Tillman, Webster

### APPROPRIATIONS ON DEPARTMENT OF TRANSPORTATION

Tues/Wed/Thurs—1027 LB—8:30 AM

<b>Chairman</b>	Senator Jenkins
<b>Vice Chairman</b>	Senator Soles
<b>Ranking Minority</b>	Senator Carpenter
<b>Members</b>	Senators Berger, Hargett, Rucho, Shaw

### APPROPRIATIONS ON EDUCATION/HIGHER EDUCATION

Tues/Wed/Thurs—414 LOB—8:30 AM

<b>Co-Chairman</b>	Senator Lucas
<b>Co-Chairman</b>	Senator Swindell
<b>Vice Chairman</b>	Senator Malone
<b>Ranking Minority</b>	Senator Garwood
<b>Members</b>	Senators Hartsell, Nesbitt, Stevens

### APPROPRIATIONS ON GENERAL GOVERNMENT AND

#### INFORMATION TECHNOLOGY

Tues/Wed/Thurs—1124 LB—8:30 AM

<b>Chairman</b>	Senator Dorsett
<b>Vice Chairman</b>	Senator Foxx
<b>Vice Chairman</b>	Senator Kinnaird
<b>Vice Chairman</b>	Senator Moore
<b>Members</b>	Senators Hoyle, Hunt, Smith

### APPROPRIATIONS ON HEALTH AND HUMAN SERVICES

Tues/Wed/Thurs—422 LOB—8:30 AM

<b>Co-Chairman</b>	Senator Purcell
<b>Co-Chairman</b>	Senator Reeves
<b>Vice Chairman</b>	Senator Dannelly
<b>Ranking Minority</b>	Senator Forrester
<b>Members</b>	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  
**Ranking Minority** Senator Bingham  
**Members** Senators Clodfelter, 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** Senators Queen, White

**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  
**Members** Senators Berger, Bingham, Blake, Brock, Carpenter, Clodfelter, Dannelly, Dorsett, Forrester, Foxx, Garwood, Hargett, Hartsell, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Weinstein, White

**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, Carpenter, Dalton, Dorsett, Forrester, Foxx, Garrou, Hagan, Kerr, Malone, Moore, Nesbitt, Pittenger, Purcell, Rucho, Shaw, Sloan, White

**EDUCATION/HIGHER EDUCATION****Wed—414 LOB—10:00 AM**

**Co-Chairman** Senator Lucas  
**Co-Chairman** Senator Swindell  
**Co-Chairman** Senator Garwood  
**Vice Chairman** Senator Horton  
**Ranking Minority** Senator Allran  
**Members** Senators Apodaca, Bingham, Blake, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garrou, Hagan, Hargett, Hartsell, Holloman, Hoyle, Hunt, Jenkins, Malone, Moore, Nesbitt, Purcell, Rand, 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, Berger, Blake, Brock, Dannelly, Foxx, Garrou, Hagan, Hartsell, Hunt, Kinnaird, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shubert, Smith, Soles, Stevens, Swindell, Thomas, Tillman, Webster, Weinstein, White

**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, Nesbitt, 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 Hagan, Holloman, Hunt, Rand

**JUDICIARY I****Tues/Thurs—1027 LB—10:00 AM**

**Chairman** Senator Clodfelter  
**Vice Chairman** Senator Soles  
**Vice Chairman** Senator Berger  
**Members** Senators Albertson, Carpenter, Garrou, Hargett, Horton, Hoyle, Hunt, Jenkins, Lucas, Malone, Nesbitt, Rand, White

**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, Dannelly, Dorsett, Hagan, Holloman, Kerr, Kinnaird, Moore, Queen, Reeves, Rucho, Shubert, Sloan, Swindell



**PENSIONS & RETIREMENT AND AGING****Upon Call of Chairman**

<b>Co-Chairman</b>	Senator Dalton
<b>Co-Chairman</b>	Senator Garrou
<b>Co-Chairman</b>	Senator Hagan
<b>Co-Chairman</b>	Senator Allran
<b>Members</b>	Senators Albertson, Berger, Bingham, Blake, Brock, Carpenter, Clodfelter, Dannelly, Dorsett, Forrester, Foxx, Garwood, Hargett, Holloman, Horton, Hoyle, Hunt, Jenkins, Kerr, Kinnaird, Lucas, Malone, Moore, Nesbitt, Pittenger, Purcell, Queen, Rand, Reeves, Rucho, Shaw, Sloan, Smith, Soles, Stevens, Swindell, Thomas, Weinstein

**RULES AND OPERATIONS OF THE SENATE****Upon Call of Chairman**

<b>Chairman</b>	Senator Rand
<b>Vice Chairman</b>	Senator Dalton
<b>Ranking Minority</b>	Senator Horton
<b>Members</b>	Senators Albertson, Berger, Carrington, Forrester, Hoyle, Hunt, Kinnaird, Nesbitt, Rucho, Soles, Swindell, Thomas

**STATE GOVERNMENT, LOCAL GOVERNMENT,  
AND VETERANS' AFFAIRS****Wed—1124 LB—12:00 Noon**

<b>Chairman</b>	Senator Kinnaird
<b>Vice Chairman</b>	Senator Hargett
<b>Ranking Minority</b>	Senator Hartsell
<b>Members</b>	Senators Albertson, Berger, Clodfelter, Dorsett, Garwood, Horton, Malone, Queen, Reeves, Sloan, Smith, Soles, Stevens, Weinstein

**TRANSPORTATION****Wed—1027 LB—11:00 AM**

<b>Chairman</b>	Senator Shaw
<b>Vice Chairman</b>	Senator Hoyle
<b>Ranking Minority</b>	Senator Rucho
<b>Members</b>	Senators Berger, Brock, Carpenter, Carrington, Garrou, Hargett, Hunt, Jenkins, Moore, Rand, Sloan, Stevens, Swindell, Thomas, Tillman, Weinstein

**WAYS AND MEANS****Upon Call of Chairman**

<b>Chairman</b>	Senator Dannelly
<b>Vice Chairman</b>	Senator Weinstein
<b>Ranking Minority</b>	Senator Allran
<b>Members</b>	Senators Albertson, Berger, Hargett, Hoyle, Jenkins, Kerr, Malone, Queen, Shubert, Swindell, Webster, White

**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,  
Hagan, Hartsell, Holloman, Horton, Hunt, 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 Carrington, Dannelly, Dorsett, Forrester, Kerr,  
Rand, Sloan, Thomas, White

**SENATE STAFF****OFFICE OF THE PRESIDENT**

Lieutenant Governor	Beverly Eaves Perdue
Administrative Assistant	Sharon Nelson
Chief of Staff	Betsy Conti
Assistant to Chief of Staff	Sally Holloman
Communications Director	Lew Borman
Legislative Assistant	Anne Canady
Office Manager	Effie Jackson
Research and Policy	Tamara Jones
Scheduler	Cornelia McMillan
Public Liaison	Donice Harbor
Constituent Outreach Liaison	Alicia Johnson
Receptionist	Americo Rodriguez
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 Tackett
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
Office Assistant	Judy Tardiff

**OFFICE OF THE SENATE REPUBLICAN LEADER**

Republican Leader	James S. Forrester
Administrative Assistant	Mary Watson
Legislative Aide	Joel Raupe

Research Assistant	Eric Hunter
Research Assistant	Virginia Hebert

**OFFICE OF THE PRINCIPAL CLERK**

Principal Clerk	Janet B. Pruitt
Administrative Clerks	Leigh Goodman
	Harriette McKoy
Assistants	Marty Carrara
	Ingrid Eubanks
	Wade Finch
	Leslie Heath
	Andrea Hollar
	Charlotte Johnston
	Jonathan Kennedy
	Jessica Lambert
	Shirley Parker
	Wayne White

**READING CLERK**

Ted Harrison
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**OFFICE OF THE SERGEANT-AT-ARMS**

Sergeant-at-Arms	Cecil Goins
Deputy/Secretary	Martha Dunn
Assistants	
Wade Anders	George Robinson
Frances Cameron	Ernie Sherrell
Curtis Dowd	Ronald Spann
Jon Fitchett	Richard Telfair
Stanley Johnson	Leslie Wright
Charles Marsalis	Robert Young
Mary Perry	

**OFFICE OF LEGISLATIVE ASSISTANTS**

Director	Dot Waugaman
Assistant to Director	Bonnie McNeil
Page Coordinator	Cindy Garrison
Page Supervisor	Dorothy Sabow
Committee Assistant	Anne Wilson

**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	

Blake, Lorraine	Purcell	Appropriations on Health and Human Services, Health and Human Resources
Blalock, Janet	Soles	Democratic Caucus Chair, Commerce
Brothers, Nancy	Queen	
Caldwell, Wilma	Substitute	
Carpenter, Helen	Carpenter	Deputy Republican Whip
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
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	Deputy Republican Whip
Eldridge, Barbara	Berger	Republican Caucus Secretary
Evans, Chris	Rand	
Fitzgerald, Mona	Dalton	Appropriations/Base Budget, Pensions & Retirement and Aging
Funderburk, Elaine	Carpenter	
Gooden, Carolyn	Jenkins	Appropriations on Department of Transportation
Gruenebaum, Alicia	Substitute	
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
Hebert, Virginia	Forrester	
Hedspeth, Becky	Reeves	
Henderson, Surena	Hargett	Select Committee on Military Affairs
Hocutt, Barbara	Substitute	
Hodge, Dee	Dannelly	Deputy President <i>Pro Tempore</i> , Ways & Means
Hodge, Joyce	Dorsett	Appropriations on General Government and Information Technology
Howell, Claudette	Malone	

Hudson, Mo	Swindell	Appropriations on Education/Higher Education, Education/Higher Education
Hunter, Eric	Forrester	
Johnson, Gerry	Hartsell	Judiciary II
Johnson, Luci	White	
Johnson, Lucy	Substitute	
Joyner, Wanda	Clodfelter	Judiciary I, Select Committee on Insurance and Civil Justice Reform
Kendall, June	Moore	
Kidd, Anna	Blake	Deputy Republican Whip
Lane, Sarah	Kinnaird	
Laton, Linda	Moore	
Leatherman, Joan	Soles	Democratic Caucus Chair, Commerce
Lee, Barbara	Shaw	Transportation
Lee, Jan	Nesbitt	
Long, Helen	Rucho	
Malcolm, Darrell	Webster	
McBride, Sue	Substitute	
Midgette, Melissa	Hagan	
Minard, Chris	Garrou	
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 Leader
Raupe, Joel	Forrester	
Resar, Carol	Hunt	
Rhodes, Kleist	Stevens	
Sears, Sylvia	Kerr	
Sommer, Jan	Hoyle	
Spears, Vickie	Thomas	
Tardiff, Judy	Rand	
Veorse, Judy	Substitute	
Walker, Carole	Allran	Pensions & Retirement and Aging
Walker, Tabatha	Brock	Deputy Republican Whip
Watson, Mary	Forrester	Republican Leader
Williams, Penny	Hoyle	Finance, Select Committee on Insurance and Civil Justice Reform
Wilson, Anne	Substitute	
Wilson, Carol	Shubert	Republican Whip
Wilson, Tiffani	Shaw	
Young, Kathie	Kinnaird	State Government, Local Government, and Veterans' Affairs
Youngken, Abby	Dalton	

**SENATE INTERNS 2004 SESSION**

Beam, Stephen	Stevens
Booth, Daniel	Purcell
Brewington, Benn	Dorsett
Church, Aaron	Foxx
Drake, Casey	Hoyle
Gallagher, Patrick	Hagan
Grisard, Tamara	Garrou
Jenkins, John	Hoyle
Kappler, Jonathan	Queen
Krishnaraj, Arun	Kinnaird
Mitchell, John	Bingham
Paksoy, Allison	Dalton
Smith, Jeremy	Albertson
Rhoads, Christopher	Lucas
Vail, Matthew	Pittenger
Wampler, Kris	Rucho

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## **PRESIDENT OF THE SENATE APPOINTMENTS**

The following appointments to Boards and Commissions were made during 2004 by the Honorable Beverly Perdue, Lieutenant Governor and President of the Senate.

	<b>Appointed</b>	<b>Expires</b>
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### **BLUMENTHAL CENTER FOR PERFORMING ARTS, BOARD OF TRUSTEES**

Bylaws

Mr. Richard T. Williams	3/23/2004	11/30/2004
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### **CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD**

G.S. 143B-273.6; SL93-534

Mr. Jim McCreery	4/15/2004	4/30/2007
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Ms. Becky Whitley Wallace	4/15/2004	4/30/2007
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### **PUBLIC HEALTH STUDY COMMISSION**

G.S. 120-195

The Reverend Reginald Wells	4/13/2004	4/30/2006
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### **RURAL ECONOMIC DEVELOPMENT CENTER, INC., BOARD OF DIRECTORS**

Bylaws

Senator Walter H. Dalton	2/17/2004	
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### **SENTENCING AND POLICY ADVISORY COMMISSION**

G.S. 164-35; SL95-236

Mr. Luther T. Moore	2/18/2004	6/30/2005
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## SENATE PRESIDENT PRO TEMPORE APPOINTMENTS

The following appointments and recommendations to Boards and Commissions were made during 2004 by the Honorable Marc Basnight, President *Pro Tempore*.

	<b>Appointed</b>	<b>Expires</b>
<b>ADVISORY BUDGET COMMISSION</b>		
G.S. 143-4		
Senator Jeanne Hopkins Lucas	6/7/2004	1/31/2005
<b>ADVISORY COUNCIL ON THE EASTERN BAND OF THE CHEROKEE</b>		
G.S. 143B-411.1; SL89-727		
Senator Martin L. Nesbitt, Jr.	4/2/2004	6/30/2004
<b>AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION</b>		
G.S. 120-150		
Mr. James Ralph Britt, Jr.	10/8/2004	9/30/2005
The Hon. George W. Graham, Jr.	9/28/2004	9/30/2005
<b>CERVICAL CANCER ELIMINATION TASK FORCE</b>		
S.L. 2003-176		
Dr. John Boggess	11/22/2004	4/1/2008
Dr. Lorna Clack	12/14/2004	4/1/2008
Senator Katie G. Dorsett	11/22/2004	4/1/2008
Senator Jeanne Hopkins Lucas	11/22/2004	4/1/2008
Senator William R. Purcell	11/22/2004	4/1/2008
<b>CLEAN WATER MANAGEMENT TRUST FUND BOARD OF TRUSTEES</b>		
G.S. 113-145.5		
Mr. Richard P. Coleman	8/6/2004	7/31/2007
<b>COUNCIL ON THE HOLOCAUST</b>		
G.S. 143B-216.20		
Mr. Richard Barnes	11/29/2004	6/30/2005
Dr. Rennie Brantz	11/29/2004	6/30/2005
Ms. Bryna Coonin	11/29/2004	6/30/2005
Ms. Bennett Little Cotten	11/29/2004	6/30/2005
Mr. Raymond Lee Holder, Jr.	11/29/2004	6/30/2005
Ms. Marianne Wason	11/29/2004	6/30/2005
<b>DISCIPLINARY HEARING COMMISSION OF THE NORTH CAROLINA STATE BAR</b>		
G.S. 84-28.1; SL83-390		
Ms. Marguerite Peggy Watts	9/21/2004	6/30/2007
<b>DOROTHEA DIX HOSPITAL PROPERTY STUDY COMMISSION (2003)</b>		
SL2003-314 sec. 3.4(a)		
Senator Vernon Malone (Co-Ch)	12/8/2004	1/15/2005

<i>President Pro Tempore Appointments</i>	<b>Appointed</b>	<b>Expires</b>
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**ECONOMIC DEVELOPMENT BOARD**

G.S. 143B-434

Senator Walter H. Dalton	4/21/2004	6/30/2008
Senator Fletcher Lee Hartsell, Jr.	4/21/2004	6/30/2008
Senator Martin L. Nesbitt, Jr.	4/2/2004	6/30/2005

**ECONOMIC DEVELOPMENT INFRASTRUCTURE STUDY COMMISSION (2003)**

S.L. 2004-161 sec. 49.1

Senator Linda Garrou (Co-Ch)	12/15/2004	1/31/2005
Mr. Harlow Brown	12/15/2004	1/31/2005
Mr. George Watts Carr III	12/15/2004	1/31/2005
Senator Walter H. Dalton	12/15/2004	1/31/2005
Mr. Dee Freeman	12/15/2004	1/31/2005
Mr. Greg Godard	12/15/2004	1/31/2005
Mr. John Heustess	12/15/2004	1/31/2005
Senator David W. Hoyle	12/15/2004	1/31/2005
Senator John H. Kerr III	12/15/2004	1/31/2005
Mr. Phillip J. Kirk, Jr.	12/15/2004	1/31/2005
Senator Vernon Malone	12/15/2004	1/31/2005
Mr. William McNeil	12/15/2004	1/31/2005
Senator Martin L. Nesbitt, Jr.	12/15/2004	1/31/2005
Senator Joe Sam Queen	12/15/2004	1/31/2005
Senator R. C. Soles, Jr.	12/15/2004	1/31/2005
Mr. Ralph H. Womble	12/15/2004	1/31/2005

**EDUCATION OVERSIGHT COMMITTEE, JOINT LEGISLATIVE**

G.S. 120-70.80

Senator Martin L. Nesbitt, Jr.	4/2/2004	1/31/2005
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**ELECTRONIC VOTING SYSTEMS, JOINT SELECT COMMITTEE (2003)**

G.S. 120-19.6; Letter of 11-19-04-House Rule 26(a), Senate Rule 31

Senator Austin M. Allran (Co-Ch)	11/19/2004	5/1/2006
Senator Eleanor Gates Kinnaird (Co-Ch)	11/19/2004	5/1/2006
Mr. David Allen	11/16/2004	5/1/2006
Mr. Michael Ashe	11/16/2004	5/1/2006
The Hon. Barry Jacobs	11/16/2004	5/1/2006
Mr. Warren Murphy	11/16/2004	5/1/2006

**EMERGENCY PREPAREDNESS AND STATEWIDE COMMUNICATIONS, JOINT SELECT COMMITTEE ON (2003)**

G.S. 120-19.6; Letter of 02-17-04-House Rule 26(a); Senate Rule 31

Senator Charlie Smith Dannelly (Co-Ch)	2/17/2004	1/15/2005
Senator Charles W. Albertson	2/17/2004	1/15/2005
Senator Harris D. Blake	2/17/2004	1/15/2005
Senator Robert C. Carpenter	2/17/2004	1/15/2005
Senator Katie G. Dorsett	2/17/2004	1/15/2005
Senator Cecil S. Hargett, Jr.	2/17/2004	1/15/2005
Senator Vernon Malone	2/17/2004	1/15/2005
Senator Eric Miller Reeves	2/17/2004	1/15/2005
Senator R. B. Sloan, Jr.	2/17/2004	1/15/2005
Senator Jerry W. Tillman	2/17/2004	1/15/2005

<i>President Pro Tempore Appointments</i>	<b>Appointed</b>	<b>Expires</b>
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**EMPLOYEE HOSPITAL AND MEDICAL BENEFITS**

G.S. 135-38

Senator Daniel G. Clodfelter	2/12/2004	1/15/2005
Senator Charlie Smith Dannelly	2/12/2004	1/15/2005
Senator James S. Forrester	2/12/2004	1/15/2005
Senator Kay R. Hagan	2/12/2004	1/15/2005
Senator David W. Hoyle	2/12/2004	1/15/2005

**ENVIRONMENTAL REVIEW COMMISSION**

G.S. 120-70.41; SL1997-31

Senator Katie G. Dorsett	1/20/2004	1/19/2005
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**FORESTRY COUNCIL**

G.S. 143B-308; SL89-727

Mr. J. W. Jones	2/16/2004	6/30/2007
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**FUTURE OF THE NORTH CAROLINA RAILROAD STUDY COMMISSION**

G.S. 120-245; SL1999-237 sec. 27.25

Senator Martin L. Nesbitt, Jr.	4/1/2004	1/19/2005
Senator Joe Sam Queen	4/1/2004	1/19/2005

**GEOGRAPHIC INFORMATION COORDINATING COUNCIL**

G.S. 143-725; SL2001-359

Mrs. Jean Crews-Klein	6/10/2004	5/31/2005
Mr. Thomas B. Gray, Jr.	6/10/2004	5/31/2005
Mr. Timothy Lesser	6/10/2004	5/31/2005

**GLOBAL TRANSPARK AUTHORITY, BOARD OF DIRECTORS**

G.S. 63A-3

Mr. M. Durwood Stephenson	8/10/2004	6/30/2007
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**GOVERNMENTAL OPERATIONS, JOINT LEGISLATIVE COMMISSION**

G.S. 120-73

Senator Thomas M. Apodaca	11/16/2004	1/15/2005
Senator Ralph A. Hunt	4/28/2004	1/15/2005
Senator Richard Y. Stevens	7/2/2004	1/15/2005
Senator Albin B. Swindell IV	4/2/2004	1/15/2005

**GOVERNOR'S CRIME COMMISSION**

G.S. 143B-478; SL91-739

Senator Robert Lee Holloman	5/19/2004	2/28/2005
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**GROWTH STRATEGIES OVERSIGHT, JOINT LEGISLATIVE COMMITTEE**

G.S. 120-70.120; SL2001-491 sec. 3.1

Senator Daniel G. Clodfelter (Co-Ch)	1/12/2004	1/19/2005
Senator Charlie Smith Dannelly	1/12/2004	1/19/2005
Senator Wilbur P. Gulley (Resigned Senate seat)	1/12/2004	1/19/2005
Senator Fletcher Lee Hartsell, Jr.	1/12/2004	1/19/2005
Senator Joe Sam Queen	1/12/2004	1/19/2005
Senator R. C. Soles, Jr.	1/12/2004	1/19/2005

***President Pro Tempore Appointments*                      **Appointed**                      **Expires****

**HEALTH AND WELLNESS TRUST FUND COMMISSION**

G.S. 147-86.32; SL2000-147 sec. 2

Ms. Carole Bruce	7/20/2004	6/30/2008
Mr. Robert S. Parker	10/15/2004	6/30/2007
Dr. William L. Roper	7/20/2004	6/30/2008

**HEALTH CARE WORKFORCE STUDY COMMISSION (2003)**

SL2004-161 sec. 34.1

Senator Tony Rand (Co-Ch)	12/22/2004	4/30/2006
Mr. Steve Ballard	12/22/2004	4/30/2006
Dr. Joseph P. Coyle, MD	12/22/2004	4/30/2006
Senator Walter H. Dalton	12/22/2004	4/30/2006
Ms. Deanne Darnell	12/22/2004	4/30/2006
Senator Linda Garrou	12/22/2004	4/30/2006
Mrs. Susan Pierce	12/22/2004	4/30/2006
Senator William R. Purcell	12/22/2004	4/30/2006

**JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE**

G.S. 143B-216.60; SL95-507 sec. 26.9

Senator William R. Purcell	8/17/2004	6/30/2005
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**HIGHWAY TRUST FUND STUDY COMMITTEE (2003)**

SL2003-284 sec. 29.12(a)

Senator S. Clark Jenkins (Co-Ch)	4/2/2004	11/1/2004
Senator Philip E. Berger	4/2/2004	11/1/2004
Senator Robert A. Rucho	1/22/2004	11/1/2004

**HOME INSPECTOR LICENSURE BOARD**

G.S. 143-151.46; SL93-724

Mr. David G. Jones	8/11/2004	6/30/2007
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**HORACE WILLIAMS AIRPORT, JOINT SELECT COMMITTEE (2003)**

G.S. 120-19.6; Letter of 01-20-2004-House Rule 26a; Senate Rule 31

Senator Tony Rand (Co-Ch)	1/20/2004	1/15/2005
Senator John H. Carrington	1/20/2004	1/15/2005
Senator Charlie Smith Dannelly	1/20/2004	1/15/2005
Senator Eleanor Gates Kinnaird	1/20/2004	1/15/2005

**HURRICANE EVACUATION STANDARDS STUDY COMMISSION (2003)**

SL2004-161 sec. 32.1

Senator S. Clark Jenkins (Co-Ch)	10/20/2004	1/31/2005
Senator Robert Lee Holloman	10/20/2004	1/31/2005
Senator Scott E. Thomas	10/20/2004	1/31/2005

**HURRICANE RELIEF, JOINT SELECT COMMITTEE (2003)**

G.S. 120-19.6; Letter of 11-30-2004-House Rule 26(a); Senate Rule 31

Senator Martin L. Nesbitt, Jr. (Co-Ch)	11/30/2004	1/15/2005
Senator Thomas M. Apodaca	11/30/2004	1/15/2005
Senator Robert C. Carpenter	11/30/2004	1/15/2005

***President Pro Tempore Appointments*                      **Appointed**                      **Expires****

**HURRICANE RELIEF, JOINT SELECT COMMITTEE (2003) (continued)**

G.S. 120-19.6; Letter of 11-30-2004-House Rule 26(a); Senate Rule 31

Senator Walter H. Dalton	11/30/2004	1/15/2005
Senator Virginia Ann Foxx	11/30/2004	1/15/2005
Senator John Allen Garwood	11/30/2004	1/15/2005
Senator Joe Sam Queen	11/30/2004	1/15/2005
Senator Scott E. Thomas	11/30/2004	1/15/2005

**INAUGURAL CEREMONIES**

G.S. 143-533

Senator Jeanne Hopkins Lucas	12/7/2004	1/15/2005
Senator Vernon Malone	12/7/2004	1/15/2005
Senator Tony Rand	12/7/2004	1/15/2005

**INCENTIVE BONUS REVIEW COMMITTEE**

G.S. 143-345.24

Ms. Brenda W. Grady	1/13/2004	
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**INFORMATION TECHNOLOGY ADVISORY BOARD**

G.S. 147-33.72G; SL2004-129 sec. 2

Mr. Bill Albers	10/22/2004	
Mr. Steve S. Rao	10/22/2004	

**MEDICAID REFORM, BLUE RIBBON COMMISSION (2003)**

SL2003-284 sec. 6.14A(a)

Senator William R. Purcell (Co-Ch)	1/14/2004	2/1/2005
Senator Charlie Smith Dannelly	9/30/2004	2/1/2005
Senator Fletcher Lee Hartsell, Jr.	1/14/2004	2/1/2005
Mr. Daniel C. Hudgins	1/14/2004	2/1/2005
Ms. Pam C. Silberman, JD	1/14/2004	2/1/2005
Mr. Luckey Welsh	1/14/2004	2/1/2005
Dr. Al Wentzy	1/14/2004	2/1/2005

**MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND  
SUBSTANCE ABUSE SERVICES, JOINT LEGISLATIVE OVERSIGHT  
COMMITTEE**

G.S. 120-240; SL2000-83 sec. 2

Senator Martin L. Nesbitt, Jr. (Co-Ch)	4/2/2004	2/1/2005
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**MINORITY HEALTH ADVISORY COUNCIL**

G.S. 130A-33.43; SL91-900

Dr. Betty Alexander	9/29/2004	6/30/2008
Senator Charlie Smith Dannelly	9/29/2004	6/30/2006
Mr. Frank Evans	6/4/2004	6/30/2007
Senator William R. Purcell	9/29/2004	6/30/2006
Senator William R. Purcell (Reappointed)	2/17/2004	6/30/2004
Dr. Lizette Sanchez-Lugo	9/29/2004	6/30/2008

***President Pro Tempore Appointments*                      **Appointed**                      **Expires****

**NATIONAL HERITAGE AREA DESIGNATION COMMISSION**

SL2001-191 sec. 18.4

Senator Martin L. Nesbitt, Jr.	7/21/2004	12/31/2004
Senator Joe Sam Queen	7/21/2004	12/31/2004

**NATUROPATHIC LICENSING, JOINT SELECT STUDY COMMITTEE  
(2003)**

Letter of 09-28-2004-House Rule 31, Senate Rule 26a

Senator Eleanor Gates Kinnaird (Co-Ch)	9/28/2004	1/15/2005
Senator Stan W. Bingham	9/28/2004	1/15/2005
Senator Daniel G. Clodfelter	9/28/2004	1/15/2005
Senator Fletcher Lee Hartsell, Jr.	9/28/2004	1/15/2005
Senator Martin L. Nesbitt, Jr.	9/28/2004	1/15/2005
Senator William R. Purcell	9/28/2004	1/15/2005
Senator Eric Miller Reeves	9/28/2004	1/15/2005
Senator Albin B. Swindell IV	9/28/2004	1/15/2005

**STATE PERSONNEL STATUTES LEGISLATIVE STUDY COMMISSION  
(2003)**

SL2004-161 sec. 5.1

Senator Tony Rand (Co-Ch)	12/15/2004	4/30/2006
Senator Stan W. Bingham	12/15/2004	4/30/2006
Senator Katie G. Dorsett	12/15/2004	4/30/2006
Senator Linda D. Garrou	12/15/2004	4/30/2006
Senator Kay R. Hagan	12/15/2004	4/30/2006
Senator S. Clark Jenkins	12/15/2004	4/30/2006

**PROFESSIONAL TEACHING STANDARDS COMMISSION**

G.S. 115C-295.1; SL93-740

Mr. David Corsetti	9/20/2004	8/31/2006
Ms. Sheree Covey	9/20/2004	8/31/2006
Ms. Amy Felicia Eybl	9/20/2004	8/31/2006
Mrs. Margaret McKinney	9/20/2004	8/31/2006

**PROGRESS BOARD**

G.S. 143B-372.1; SL95-117

Senator Joe Sam Queen	11/30/2004	6/30/2008
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**PUBLIC OFFICERS AND EMPLOYEES LIABILITY INSURANCE  
COMMISSION (POELI)**

G.S. 58-32-1; SL91-720

Mr. David Walker	8/23/2004	6/30/2007
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DIRECTORS**

Bylaws

Senator Joe Sam Queen	4/2/2004	12/31/2004
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G.S. 143B-426.9

Mr. Anthony M. Copeland	8/23/2004	6/30/2005
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**SENTENCING AND POLICY ADVISORY COMMISSION**

G.S. 164-35; SL95-236

Senator Wilbur P. Gulley (Resigned Senate seat)	1/12/2004	6/30/2005
Senator John H. Kerr III	1/12/2004	6/30/2005
Ms. Lao S. Rupert	1/12/2004	6/30/2005

**SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION**

G.S. 17E-3; SL93-562

Mr. Michael D. Robertson	9/22/2004	6/30/2005
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**SMART START FUNDING STUDY COMMISSION (2003)**

SL2004-161 sec. 35.1

Senator Kay R. Hagan (Co-Ch)	12/3/2004	1/31/2005
Mr. Davy Davidson	12/3/2004	1/31/2005
Mr. Gary Gore	12/3/2004	1/31/2005
Senator Fletcher L. Hartsell, Jr.	12/3/2004	1/31/2005
Ms. Loretta Michael	12/3/2004	1/31/2005
Mr. Peter Morris	12/3/2004	1/31/2005
Senator William R. Purcell	12/3/2004	1/31/2005
Mrs. Anne Scharff	12/9/2004	1/15/2005
Senator Scott E. Thomas	12/3/2004	10/31/2005

**SOIL SCIENTISTS, NORTH CAROLINA BOARD FOR LICENSING OF**

G.S. 89F-4; SL95-414

Mr. Edward Hearn	9/23/2004	6/30/2005
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**STATE DISABILITY INCOME PLAN, THE DEATH BENEFIT PLAN, AND SEPARATE INSURANCE BENEFITS PLAN FOR LAW ENFORCEMENT OFFICERS STUDY COMMISSION (2003)**

SL2003-284 sec. 30.20(a)

Mr. Flint Benson	10/5/2004	12/31/2004
Senator Linda D. Garrou	10/5/2004	12/31/2004
Ms. Valerie Johnson	10/5/2004	12/31/2005
Senator Tony Rand	10/5/2004	12/31/2004

**STUDY COMMISSION ON ESTABLISHMENT OF A STATEWIDE BENEFIT COMMITTEE TO PROVIDE A MENU OF PORTABLE SUPPLEMENTAL BENEFITS FOR ALL STATE EMPLOYEES (2003)**

SL2003-284 sec. 30.21(a)

Mr. George E. Tatum (Co-Ch)	2/4/2004	12/31/2004
Mr. Ronald C. Condrey	2/4/2004	12/31/2004
Mr. Carl Goodwin	2/4/2004	12/31/2004
Ms. Kitty McCallum	2/4/2004	12/31/2005

**SUBSTANCE ABUSE ADVISORY COUNCIL**

G.S. 143B-270; SL91-405

Mr. Charles David Morison	1/13/2004	9/30/2007
Mr. Selbert McRae Wood, Jr.	1/13/2004	9/30/2007

<i>President Pro Tempore Appointments</i>	<b>Appointed</b>	<b>Expires</b>
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**TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM  
BOARD OF TRUSTEES**

G.S. 135-6; SL94-24

Mr. John H. Cilley IV	9/23/2004	6/30/2005
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**TEACHING FELLOWS COMMISSION**

G.S. 115C-363.22

Mrs. Colleen Oliver Lanier	10/21/2004	6/30/2007
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**TOBACCO TRUST FUND COMMISSION**

G.S. 143-717; SL2000-147 sec. 3

Mr. Norman Perry, Jr.	8/3/2004	6/30/2008
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Mr. T. Craig Wright	8/3/2004	6/30/2008
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**TRAVEL AND TOURISM BOARD**

G.S. 143B-434.1; SL91-959

Mr. Douglas Brindley	2/10/2004	12/31/2006
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Ms. Carolyn S. Lohr	2/10/2004	12/31/2006
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Senator Albin B. Swindell IV	2/10/2004	12/31/2006
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Senator Scott E. Thomas	2/10/2004	12/31/2006
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Mr. Charlie Utz	3/3/2004	12/31/2006
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**UNIVERSITY OF NORTH CAROLINA CENTER FOR PUBLIC  
TELEVISION BOARD OF TRUSTEES**

G.S. 116-37.1; SL87-564

Mrs. Beverly McCracken	8/25/2004	6/30/2005
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**VOCATIONAL REHABILITATION ADVISORY COUNCIL**

G.S. 143-548; SL93-248

Ms. Mary Alice O'Hear Garrison	2/17/2004	6/30/2007
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Mr. Michael Maybee	2/17/2004	6/30/2007
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**WESTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT  
COMMISSION (ADVANTAGE WEST NORTH CAROLINA)**

G.S. 158-8.1

Mr. J. W. Davis	10/22/2004	6/30/2007
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Senator Thomas K. 'Tommy' Jenkins	10/22/2004	6/30/2007
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**WILDLIFE RESOURCES COMMISSION**

G.S. 143-237

Mr. Robert L. Purcell	9/23/2004	4/24/2005
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**WORKFORCE NEEDS, JOINT SELECT COMMITTEE (2003)**

G.S. 120-19.6; Letter of 01-20-2004-House Rule 26a, Senate Rule 31

Senator Katie G. Dorsett (Co-Ch)	1/20/2004	1/15/2005
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Senator Charles Woodrow Albertson	1/20/2004	1/15/2005
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Senator Thomas M. Apodaca (Resigned)	1/20/2004	1/15/2005
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Senator Daniel G. Clodfelter	1/20/2004	1/15/2005
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Senator Robert Lee Holloman	1/20/2004	1/15/2005
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***President Pro Tempore Appointments***      **Appointed**      **Expires****WORKFORCE NEEDS, JOINT SELECT COMMITTEE (2003)** (continued)

G.S. 120-19.6; Letter of 01-20-2004-House Rule 26a, Senate Rule 31

Senator S. Clark Jenkins	1/20/2004	1/15/2005
Senator Vernon Malone	1/20/2004	1/15/2005
Senator William R. Purcell	1/20/2004	1/15/2005
Senator Joe Sam Queen	1/20/2004	1/15/2005
Senator Larry Shaw	1/20/2004	1/15/2005
Senator R. B. Sloan, Jr.	2/3/2004	1/15/2005

**YADKIN/PEE DEE RIVER BASIN ADVISORY COMMISSION**

G.S. 77-111; SL2004-83 sec. 1

Senator Stan W. Bingham	10/25/2004
Senator William R. Purcell	10/25/2004

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**BEAUFORT COUNTY**—District 1—Senator Marc Basnight

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- H 23 Uniform Personal Watercraft Laws  
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Rowan (part), Yadkin.**

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- S 1293 Leland Satellite Annexation  
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- S 1307 Asheville ABC Board Membership Increased  
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- S 1308 Asheville Civil Service Board  
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- H 1425 Morganton/Burke/Broughton Mutual Aid/Western  
Piedmont Community College  
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**CABARRUS COUNTY**—District 36—Senator Fletcher Hartsell, Jr.

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**CHEROKEE COUNTY**—District 50—Senator Robert Carpenter

- H 1662 Cherokee/Clay/Shooting from Right-of-Way  
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- H 281 2003 Technical Corrections Act  
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- H 1414 2004 Appropriations Act  
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- H 1547 Chapel Hill Open Space/Development Rights  
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- S 1037 City of Greenville-Abandoned/Junked Vehicles  
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- S 1317 Board of Law Examiners/Fees/Attorney Solicitation  
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- H 1662 Cherokee/Clay/Shooting from Right-of-Way  
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- H 1484 Cleveland County Board of Education Elections  
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H 1565 State Budget Act  
(Rules and Operations of the Senate Com)..... 288.

S 1225 Technical Corrections Act 2004  
(S.L. 2004-199.)..... 71, 100, 398, 405,  
423, 611, 616, 636.

**GOINS, CECIL** (Sergeant-at-Arms)

**GOVERNOR** (The Honorable Michael F. Easley)

Appointments—

Senator Martin L. Nesbitt, Jr. .... 6.

Senator Ralph A. Hunt ..... 7.

Senator Woody White ..... 8.

North Carolina Teachers' and State Employees'  
Retirement System Board of Trustees ..... 14.  
(Harold Keen, Leslie LeRoy Pittman, Paschal W. Swann)

Remarks Spread—

S 1440 Honor William "Bill" Friday ..... 223.

S 1439 Joint Session/Honor Bill Friday ..... 202, 215, 222.

**GRAHAM COUNTY**—District 50—Senator Robert Carpenter

**GRANVILLE COUNTY**—District 18—Senator Ralph A. Hunt

**GREENE COUNTY**—District 7—Senator John H. Kerr III

**GUILFORD COUNTY**—District 26—Senator Phil Berger  
 District 27—Senator Kay Hagan  
 District 28—Senator Katie Dorsett  
 District 33—Senator Stan Bingham

S 1251 City of Greensboro Local Act  
 (Rules and Operations of the Senate Com)..... 77.

S 1335 City of Greensboro Local Act-1  
 (Rules and Operations of the Senate Com)..... 94.

S 1334 City of Greensboro Local Act-2  
 (Rules and Operations of the Senate Com)..... 94.

S 1193 City of High Point Local Act  
 (Rules and Operations of the Senate Com)..... 66.

S 1094 Electronic Filing/Register of Deeds  
 (Judiciary I Com)  
 (Inc. S.L. 2004-161.)..... 30.

S 1356 Gibsonville/Whitsett Boundary  
 (S.L. 2004-86.)..... 103, 155, 172,  
 179, 372, 388.

S 1351 Greensboro Children's Museum Funds  
 (Appropriations/Base Budget Com)..... 102.

S 1252 Greensboro Claim Settlements  
 (State Government, Local Government, and  
 Veterans' Affairs Com)..... 77.

H 1604 Greensboro Claim Settlements  
 (S.L. 2004-5.)..... 145, 154, 173, 176, 182.

S 1250 Greensboro Ordinance Publication  
 (State Government, Local Government, and  
 Veterans' Affairs Com)..... 77.

H 1608 Greensboro Ordinance Publication  
 (S.L. 2004-20.)..... 146, 171, 180, 245, 258.

S 1194 Guilford County Local Act  
 (Rules and Operations of the Senate Com)..... 67.

S 1275 Guilford County Local Act-1  
 (Rules and Operations of the Senate Com)..... 80.

S 1276 Guilford County Local Act-2  
 (Rules and Operations of the Senate Com)..... 80.

S 1110 Senate District 33 Local Act-1  
 (Rules and Operations of the Senate Com)..... 35.

S 1107 Senate District 33 Local Act-2  
 (Rules and Operations of the Senate Com)..... 34.

**HAGAN, SENATOR KAY R.**.....**27<sup>th</sup> District—Guilford** (part).  
 Absent of Leave..... 31, 38, 59, 64, 599.  
 Adjournment Motion—Second..... 132, 599.  
 Committee Assignments—  
 Conference ..... 150, 255, 288, 429, 436.  
 Remarks Spread—  
 S 1443 Memorializing Kathleen Bryan Edwards..... 294.

**HAGAN, SENATOR KAY R.** (continued)

## Bills and Resolutions—(Senate Bills)

Primary Sponsor .....	1039, 1040, 1168, 1203, 1333, 1334, 1335, 1391, 1397, 1398.
Co-Sponsor .....	1097, 1099, 1100, 1101, 1102, 1134, 1135, 1193, 1194, 1223, 1250, 1251, 1252, 1292, 1310, 1311, 1351, 1385, 1395, 1396, 1423, 1435, 1438, 1440, 1443.

**HALIFAX COUNTY**—District 4—Senator Robert Holloman

S 1093	Edgecombe/Halifax/Lenoir/Nash/Pender/Wilson Tax Certification (S.L. 2004-65.).....	30, 86, 96, 121, 337, 345, 350, 357.
S 1055	Halifax Magistrate Funds (Appropriations/Base Budget Com).....	22.
H 1726	Winston-Salem/Roanoke Rapids Code Enforcement (S.L. 2004-70.).....	286, 335, 345, 351, 357.

**HANDICAPPED PERSONS [G.S. 168]**

H 281	2003 Technical Corrections Act (S.L. 2004-203.) (Inc. S.L. 2004-124.) .....	520, 580, 591, 616, 637.
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**HARGETT, SENATOR CECIL**.....6<sup>th</sup> District—Jones, Onslow.

Adjournment Motion—Second.....	199, 517.
Committee Assignments—	
Conference .....	383.
Excused Votes—	
H 1555 Tag Agents Title Transaction Fee .....	268.
Remarks Spread—	
H 1435 Honor James “Willie” York.....	130.
S 1441 Memorializing Ray Charles .....	278.
Bills and Resolutions—(Senate Bills)	
Primary Sponsor .....	1045, 1157, 1158, 1159, 1160, 1161, 1162.
Co-Sponsor .....	1058, 1059, 1071, 1074, 1075, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1144, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1223, 1289, 1290, 1291, 1300, 1339, 1362, 1384, 1411, 1413, 1416, 1426, 1438, 1440, 1441.

**HARNETT COUNTY**—District 10—Senator Charles Albertson

## District 22—Senator Harris Blake

S 1305	Angier Satellite Annexations (S.L. 2004-99.).....	87, 139, 147, 153, 385, 398, 404, 415, 432, 470.
H 1724	Harnett and Pitt Subdivisions (S.L. 2004-46.).....	244, 259, 284, 290, 319.

**HARRISON, TED** (Reading Clerk)

**HARTSELL, SENATOR FLETCHER L., JR.** ..... **36<sup>th</sup> District—**  
**Cabarrus, Rowan (part).**

Absent of Leave..... 39 (portion), 134, 138, 244 (portion),  
595 (portion), 599.

Adjournment Motion—Second..... 17.

Committee Assignments—  
Conference ..... 255, 269, 339, 476.

Paired Votes—  
S 1098 Finance Cancer Center and Cardio Institute ..... 39.

Remarks Spread—  
H 1342 Honoring Eugene McCombs..... 198.

Bills and Resolutions—(Senate Bills)  
Primary Sponsor.....1061, 1062, 1063, 1095, 1096, 1124,  
1145, 1165, 1166, 1167, 1172, 1173,  
1225, 1260, 1261, 1262, 1314, 1315,  
1316, 1344, 1345, 1346, 1347, 1361.

Co-Sponsor.....1045, 1056, 1065, 1068, 1097, 1098,  
1103, 1115, 1116, 1117, 1120, 1138,  
1139, 1171, 1196, 1197, 1210, 1211,  
1217, 1226, 1227, 1266, 1268, 1269,  
1278, 1289, 1300, 1330, 1331, 1366,  
1372, 1407, 1411, 1413, 1416, 1423,  
1424, 1425, 1426, 1427, 1438, 1440,  
1442.

**HAYWOOD COUNTY—District 47—Senator Joe Sam Queen**  
**District 50—Senator Robert Carpenter**

H 1447 Cities of Greenville/Henderson/Town of Waynesville-  
Abandoned/Junked Vehicles  
(S.L. 2004-30.)..... 108, 154, 172, 186, 257, 274.

S 1032 Honoring Maggie Valley Founders/100th Birthday  
(Res. 1.) ..... 9, 23.

**HEALTH CARE FACILITIES AND SERVICES [G.S. 131E]**

H 281 2003 Technical Corrections Act  
(S.L. 2004-203.) (Inc. S.L. 2004-124.) ..... 520, 580, 591, 616, 637.

H 1414 2004 Appropriations Act  
(S.L. 2004-124.)..... 143, 181, 189, 235, 237,  
241, 252, 254, 255, 588,  
593, 597, 598, 625.

H 669 Hospitals/Long Term Critical Quality Assurance  
(S.L. 2004-149.)..... 420, 469, 628.

S 1433 Long-Term Care Criminal Background Checks  
(Appropriations/Base Budget Com)  
(Inc. S.L. 2004-124.)..... 116.

S 1225 Technical Corrections Act 2004  
(S.L. 2004-199.)..... 71, 100, 398, 405,  
423, 611, 616, 636.



**HEALTH CARE FACILITIES FINANCE ACT [G.S. 131A]**

- S 1203 State Budget Act  
(State Government, Local Government, and  
Veterans' Affairs Com) ..... 68.
- H 1565 State Budget Act  
(Rules and Operations of the Senate Com) ..... 288.

**HENDERSON COUNTY**—District 48—Senator Tom Apodaca

**HERTFORD COUNTY**—District 4—Senator Robert Holloman

**HIGHER EDUCATION [G.S. 116]**

- H 281 2003 Technical Corrections Act  
(S.L. 2004-203.) (Inc. S.L. 2004-124.) ..... 520, 580, 591, 616, 637.
- H 1414 2004 Appropriations Act  
(S.L. 2004-124.) ..... 143, 181, 189, 235, 237,  
241, 252, 254, 255, 588,  
593, 597, 598, 625.
- S 52 Clarifications Regarding Mediation  
(S.L. 2004-154.) ..... 444, 475, 476, 509, 515, 629.
- S 1160 In-State Tuition for Military Reservists  
(Education/Higher Education Com) ..... 61.
- S 1203 State Budget Act  
(State Government, Local Government, and  
Veterans' Affairs Com) ..... 68.
- H 1565 State Budget Act  
(Rules and Operations of the Senate Com) ..... 288.
- S 1058 University of North Carolina and Community College  
Tuition/Military Students  
(S.L. 2004-130.) ..... 25, 334, 348, 608, 615, 625.

**HIGHER EDUCATION BONDS [G.S. 116D]**

- S 1203 State Budget Act  
(State Government, Local Government, and  
Veterans' Affairs Com) ..... 68.
- H 1565 State Budget Act  
(Rules and Operations of the Senate Com) ..... 288.

**HOKE COUNTY**—District 13—Senator David Weinstein

- S 1182 City of Raeford Local Act  
(Rules and Operations of the Senate Com) ..... 65.
- S 1186 Hoke County Local Act-1  
(Rules and Operations of the Senate Com) ..... 65.
- S 1187 Hoke County Local Act-2  
(Rules and Operations of the Senate Com) ..... 65.

**HOLLOMAN, SENATOR ROBERT L.**..... **4<sup>th</sup> District**—Gates, Halifax,  
**Hertford**, Northampton, Vance (part), Warren.  
Absent of Leave ..... 72, 138, 170, 190, 355, 386, 399, 577.  
Committee Assignments—  
Conference ..... 255.  
Prayer Offered ..... 236.

**HOLLOMAN, SENATOR ROBERT** (continued)

Bills and Resolutions—(Senate Bills)  
 Primary Sponsor .....1055, 1155, 1156, 1271, 1272, 1362.  
 Co-Sponsor.....1045, 1046, 1074, 1075, 1097, 1098,  
 1144, 1146, 1147, 1148, 1149, 1150,  
 1151, 1152, 1153, 1154, 1170, 1266,  
 1291, 1300, 1339, 1364, 1367, 1368,  
 1372, 1395, 1396, 1411, 1416, 1440,  
 1441.

**HORTON, SENATOR HAMILTON C., JR.** .....**31<sup>st</sup> District—Forsyth** (part).

Adjournment Motion—Second..... 25.  
 Committee Assignments—  
 Conference ..... 476.  
 Escorts—  
 The Honorable Woody White ..... 8.  
 Kirsten Elrod, Miss North Carolina..... 401.  
 Paired Votes—  
 S 1098 Finance Cancer Center and Cardio Institute ..... 39.  
 S 1064 Finance Parks, Heritage, and Clean Water..... 168, 175.  
 H 1414 2004 Appropriations Act..... 242, 252.  
 H 1264 Finance Health and Research Bldgs..... 362.  
 H 1464 School Calendar Changes ..... 515.  
 Remarks Spread—  
 S 1098 Finance Cancer Center and Cardio Institute ..... 42.  
 S 1438 Memorializing President Ronald W. Reagan ..... 158.  
 S 1440 Honor William “Bill” Friday ..... 229.  
 S 1443 Memorializing Kathleen Bryan Edwards..... 295.  
 Bills and Resolutions—(Senate Bills)  
 Primary Sponsor .....1198, 1199, 1200, 1224, 1246, 1438.  
 Co-Sponsor.....1045, 1103, 1104, 1278, 1289, 1300,  
 1339, 1366, 1386, 1411, 1427, 1440,  
 1442, 1443.

**HOUSING AUTHORITIES AND PROJECTS [G.S. 157]**

S 1225 Technical Corrections Act 2004  
 (S.L. 2004-199.)..... 71, 100, 398, 405,  
 423, 611, 616, 636.

**HOUSING FINANCE AGENCY [G.S. 122A]**

H 1414 2004 Appropriations Act  
 (S.L. 2004-124.)..... 143, 181, 189, 235, 237,  
 241, 252, 254, 255, 588,  
 593, 597, 598, 625.  
 S 1203 State Budget Act  
 (State Government, Local Government, and  
 Veterans' Affairs Com) ..... 68.  
 H 1565 State Budget Act  
 (Rules and Operations of the Senate Com) ..... 288.

**HOYLE, SENATOR DAVID W.**..... **43<sup>rd</sup> District—Gaston** (part).  
 Absent of Leave..... 5, 31, 138, 201, 256, 273,  
 289, 312, 386, 399.  
 Adjournment Motion—Second..... 74, 242.  
 Committee Assignments—  
 Conference ..... 131, 137, 255, 339,  
 423, 429, 475, 476.  
 Standing/Select..... 12.  
 Excused Votes—  
 H 1636 Renewable Fuel Tax Credits..... 478.  
 Paired Votes—  
 H 173 Cosmetic Art/Continuing Ed/Penalty Change..... 405.  
 Remarks Spread—  
 S 1440 Honor William “Bill” Friday ..... 226.  
 Bills and Resolutions—(Senate Bills)  
 Primary Sponsor ..... 1046, 1099, 1100, 1101, 1102, 1164,  
 1223, 1244, 1245, 1304, 1336, 1422,  
 1423, 1439, 1440, 1444.  
 Co-Sponsor..... 1045, 1056, 1057, 1058, 1059, 1067,  
 1069, 1075, 1098, 1103, 1104, 1145,  
 1170, 1171, 1217, 1289, 1300, 1312,  
 1313, 1384, 1411, 1416, 1417, 1438,  
 1441, 1443.

**HUNT, SENATOR RALPH A.**..... **18<sup>th</sup> District—**  
**Durham** (part), Granville, Person.  
 (Appointed April 21, 2004 to replace Senator Wib Gulley who resigned effective  
 March 19, 2004.)  
 Committee Assignments—  
 Conference ..... 397.  
 Standing/Select..... 10, 12.  
 Oath of Office..... 8.  
 Proclamation of Appointment..... 7.  
 Remarks Spread—  
 His Service in Senate..... 442.  
 Bills and Resolutions—(Senate Bills)  
 Primary Sponsor ..... 1136, 1235.  
 Co-Sponsor..... 1045, 1046, 1058, 1059, 1069,  
 1075, 1097, 1098, 1196, 1197,  
 1210, 1271, 1272, 1300, 1364,  
 1367, 1368, 1377, 1384, 1413,  
 1438, 1440, 1441.

**HYDE COUNTY—District 1—Senator Marc Basnight**  
 S 1094 Electronic Filing/Register of Deeds  
 (Judiciary I Com)  
 (Inc. S.L. 2004-161.)..... 30.

**INCOMPETENCY AND GUARDIANSHIP [G.S. 35A]**

- H 281 2003 Technical Corrections Act  
(S.L. 2004-203.) (Inc. S.L. 2004-124.) ..... 520, 580, 591, 616, 637.
- S 1225 Technical Corrections Act 2004  
(S.L. 2004-199.)..... 71, 100, 398, 405,  
423, 611, 616, 636.

**INCORPORATION**

- S 1127 Incorporate Wallburg  
(S.L. 2004-37.)..... 54, 200, 205,  
212, 274, 290.

**INDUSTRIAL AND POLLUTION CONTROL FACILITIES**

**FINANCING ACT [G.S. 159C]**

- S 1423 Create New Jobs/Recruit New Business  
(Finance Com)  
(Inc. S.L. 2004-124.)..... 115.
- S 1063 Industrial Revenue Bonds Wage Standard Eliminated  
(S.L. 2004-132.).....26, 85, 100, 271, 285, 339, 353,  
393, 407, 418, 431, 626.

**INDUSTRIAL AND POLLUTION CONTROL FACILITIES**

**POOL PROGRAM FINANCING ACT [G.S. 159D]**

- S 1423 Create New Jobs/Recruit New Business  
(Finance Com)  
(Inc. S.L. 2004-124.)..... 115.
- S 1063 Industrial Revenue Bonds Wage Standard Eliminated  
(S.L. 2004-132.).....26, 85, 100, 271, 285, 339, 353,  
393, 407, 418, 431, 626.

**INFORMATION TECHNOLOGY**

- S 991 Improve State Information Technology Efficiency  
and Project Management  
(S.L. 2004-129.)..... 329, 333, 346, 362,  
382, 383, 410, 478,  
505, 506, 578, 625.

**INNS, HOTELS AND RESTAURANTS [G.S. 72]**

- H 281 2003 Technical Corrections Act  
(S.L. 2004-203.) (Inc. S.L. 2004-124.) ..... 520, 580, 591, 616, 637.

**INSPECTION AND LICENSING OF FACILITIES [G.S. 131D]**

- H 1414 2004 Appropriations Act  
(S.L. 2004-124.)..... 143, 181, 189, 235, 237,  
241, 252, 254, 255, 588,  
593, 597, 598, 625.

**INSPECTION AND LICENSING OF FACILITIES [G.S. 131D]** (continued)

- H 669 Hospitals/Long Term Critical Quality Assurance  
(S.L. 2004-149.)..... 420, 469, 628.
- S 1433 Long-Term Care Criminal Background Checks  
(Appropriations/Base Budget Com)  
(Inc. S.L. 2004-124.)..... 116.

**INSURANCE [G.S. 58]**

- H 281 2003 Technical Corrections Act  
(S.L. 2004-203.) (Inc. S.L. 2004-124.) ..... 520, 580, 591, 616, 637.
- H 1414 2004 Appropriations Act  
(S.L. 2004-124.)..... 143, 181, 189, 235, 237,  
241, 252, 254, 255, 588,  
593, 597, 598, 625.
- S 486 Customer Inquiries/Insurance Coverage  
(S.L. 2004-111.)..... 271, 315, 327, 331, 618.
- S 1046 Fire and Rescue Pension Increase  
(Pensions & Retirement and Aging Com)  
(Inc. S.L. 2004-124.)..... 16.
- H 1107 Fortify Against Unauthorized Insurance  
(S.L. 2004-166.)..... 317, 325, 469, 631.
- S 20 Professional Employer Organization Regulated  
(S.L. 2004-162.)..... 425, 433, 468, 630.
- S 1084 Public Construction Surety Bonds  
(Finance Com) ..... 29.
- H 1424 Public Construction Surety Bonds  
(Finance Com) ..... 272.
- S 1225 Technical Corrections Act 2004  
(S.L. 2004-199.)..... 71, 100, 398, 405,  
423, 611, 616, 636.

**IREDELL COUNTY**—District 41—Senator R. B. Sloan, Jr.

- S 1094 Electronic Filing/Register of Deeds  
(Judiciary I Com)  
(Inc. S.L. 2004-161.)..... 30.
- S 1288 Mooresville Streets and Sidewalks  
(H Rules, Calendar, and Operations of  
the House Com) ..... 82, 154, 173.
- H 1671 Mooresville Streets and Sidewalks  
(S.L. 2004-121.)..... 254, 280, 291, 587,  
592, 599, 619.

**JACKSON COUNTY**—District 50—Senator Robert Carpenter

- JENKINS, SENATOR S. CLARK** ..... **3<sup>rd</sup> District**—Bertie, Edgecombe, Martin,  
Pitt (part), Tyrrell, Washington.
- Absent of Leave ..... 96, 136 (portion), 158 (portion),  
210, 218, 236, 244, 355.
- Committee Assignments—
- Conference ..... 137, 255, 429, 436.
- Standing/Select ..... 12.

**JENKINS, SENATOR S. CLARK** (continued)

Paired Votes—

- S 1064 Finance Parks, Heritage, and Clean Water..... 168.
- H 1414 2004 Appropriations Act..... 242, 252.
- H 1264 Finance Health and Research Bldgs..... 362.

Remarks Spread—

- S 1098 Finance Cancer Center and Cardio Institute ..... 39.

Bills and Resolutions—(Senate Bills)

- Primary Sponsor ..... 1077, 1078, 1079, 1080, 1081, 1082,  
1083, 1084, 1085, 1086, 1087, 1088,  
1089, 1090, 1091, 1092, 1093, 1098,  
1174, 1175, 1176, 1212, 1232.
- Co-Sponsor ..... 1041, 1043, 1045, 1058, 1059, 1061,  
1062, 1063, 1067, 1068, 1069, 1074,  
1075, 1097, 1115, 1116, 1117, 1120,  
1144, 1170, 1239, 1240, 1266, 1300,  
1339, 1360, 1384, 1438.

**JOHNSTON COUNTY**—District 12—Senator Fred Smith

- S 1125 Johnston Coroner Abolished  
(S.L. 2004-18.)..... 37, 91, 99, 245, 258.
- S 1237 Senate District 12 Local Act-1  
(Rules and Operations of the Senate Com) ..... 75.
- S 1241 Senate District 12 Local Act-2  
(Rules and Operations of the Senate Com) ..... 75.

**JOINT SESSIONS**

- S 1440 Honoring William "Bill" Friday  
(Res. 6.) ..... 212, 222, 245.
- S 1439 Joint Session/Honor Bill Friday  
(Res. 5.) ..... 202, 215, 222.

**JONES COUNTY**—District 6—Senator Cecil Hargett

**JUDICIAL DEPARTMENT [G.S. 7A]**

- H 281 2003 Technical Corrections Act  
(S.L. 2004-203.) (Inc. S.L. 2004-124.) ..... 520, 580, 591, 616, 637.
- H 1414 2004 Appropriations Act  
(S.L. 2004-124.)..... 143, 181, 189, 235, 237,  
241, 252, 254, 255, 588,  
593, 597, 598, 625.
- S 577 Adjust Court Jurisdiction/Amend Magistrate Term  
(S.L. 2004-128.)..... 582, 592, 597, 625.
- S 1332 Court Fee Changes  
(Finance Com) ..... 93.
- H 918 Increase Service of Process Fee  
(S.L. 2004-113.)..... 247, 267, 284, 322, 618.

**JUDICIAL DEPARTMENT [G.S. 7A]** (continued)

H 1430	Internal Revenue Code Update and Other Tax Changes (S.L. 2004-110.).....	144, 200, 208, 213, 331, 617.
S 1338	Investigatorial Assistant Funds/District 16A (Appropriations/Base Budget Com).....	94.
S 1368	Prosecutorial District Monitoring/Funds (Appropriations/Base Budget Com).....	105.
S 1203	State Budget Act (State Government, Local Government, and Veterans' Affairs Com).....	68.
H 1565	State Budget Act (Rules and Operations of the Senate Com).....	288.
H 1354	Strengthen Domestic Violence Laws (S.L. 2004-186.).....	271, 347, 359, 371, 391, 431, 635.

**JUSTICE ACADEMY [G.S. 17D]**

S 1203	State Budget Act (State Government, Local Government, and Veterans' Affairs Com).....	68.
H 1565	State Budget Act (Rules and Operations of the Senate Com).....	288.

**JUVENILE CODE [G.S. 7B]**

H 281	2003 Technical Corrections Act (S.L. 2004-203.) (Inc. S.L. 2004-124.).....	520, 580, 591, 616, 637.
S 577	Adjust Court Jurisdiction/Amend Magistrate Term (S.L. 2004-128.).....	582, 592, 597, 625.
S 1215	Children's Trust Fund/DPI to DHHS (Health and Human Resources Com).....	70.
H 1139	Rapist Parental Rights/Open Criminal Discovery (H Rules, Calendar, and Operations of the House Com).....	316, 326.
H 1354	Strengthen Domestic Violence Laws (S.L. 2004-186.).....	271, 347, 359, 371, 391, 431, 635.
H 1665	Venue for Juvenile Hearings (S.L. 2004-155.).....	320, 433, 508, 515, 629.

<b>KERR, SENATOR JOHN H., III.....7<sup>th</sup> District</b>	—Greene, Lenoir, <b>Wayne</b> (part).
Absent of Leave.....	595 (portion).
Committee Assignments—	
Conference.....	255, 269, 288, 339, 397, 409, 429.
Escorts—	
The Honorable Ralph A. Hunt.....	7.
Paired Votes—	
H 173    Cosmetic Art/Continuing Ed/Penalty Change.....	405.

**KERR, SENATOR JOHN H., III** (continued)

Remarks Spread—  
 S 1098 Finance Cancer Center and Cardio Institute ..... 40, 46.  
 H 1807 Honoring Founders of Duke Power ..... 367.

Bills and Resolutions—(Senate Bills)  
 Primary Sponsor ..... 1041, 1064, 1065, 1067, 1098, 1115,  
 1116, 1117, 1118, 1119, 1120, 1171,  
 1228, 1229, 1230, 1231, 1299, 1326,  
 1327, 1328, 1329, 1354, 1355, 1370,  
 1404, 1429.  
 Co-Sponsor ..... 1045, 1046, 1056, 1058, 1059, 1061,  
 1062, 1063, 1074, 1075, 1103, 1104,  
 1138, 1139, 1144, 1145, 1146, 1147,  
 1148, 1149, 1150, 1151, 1152, 1153,  
 1154, 1157, 1158, 1159, 1160, 1161,  
 1162, 1164, 1170, 1217, 1240, 1300,  
 1330, 1384, 1411, 1416, 1417, 1438,  
 1440.

**KINNAIRD, SENATOR ELEANOR** ..... **23<sup>rd</sup> District**—Chatham, **Orange**.

Absent of Leave ..... 611 (portion).  
 Committee Assignments—  
 Conference ..... 476.  
 Standing/Select ..... 12.

Paired Votes—  
 H 1352 Emergency Funding for One NC & NEIT ..... 198.  
 H 817 Gun Sale Legal w/ Concealed Handgun Permit ..... 215.  
 H 1414 2004 Appropriations Act ..... 597.  
 H 1464 School Calendar Changes ..... 608.

Remarks Spread—  
 S 1440 Honor William “Bill” Friday ..... 228.  
 Comments about Senator Foxx ..... 438.

Bills and Resolutions—(Senate Bills)  
 Primary Sponsor ..... 1122, 1123, 1132, 1196, 1197, 1249,  
 1265, 1266, 1267, 1268, 1269, 1270,  
 1377, 1415, 1416, 1421.  
 Co-Sponsor ..... 1068, 1075, 1094, 1097, 1098, 1146,  
 1147, 1148, 1150, 1151, 1152, 1153,  
 1170, 1210, 1291, 1301, 1302, 1303,  
 1312, 1313, 1324, 1367, 1368, 1373,  
 1374, 1375, 1376, 1413, 1438, 1439,  
 1440, 1443.

**LAND REGISTRATION [G.S. 43]**

S 1221 Water Conservation/Submeters  
 (Agriculture/Environment/Natural Resources Com) ..... 71.



**LANDLORD AND TENANT [G.S. 42]**

- H 1083 Water Conservation/Submeters  
(S.L. 2004-143.)..... 346, 364, 400, 627.
- S 1221 Water Conservation/Submeters  
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- S 1359 Durham/25-Year LEO Retirement  
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- S 1067 Probation and Parole Officers Death Benefits  
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- S 1093 Edgecombe/Halifax/Lenoir/Nash/Pender/Wilson  
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- H 1614 Lenoir ABC Profit Distributions to be Annual  
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- S 1383 4-H Special Registraton Plate  
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- H 26 Camera Defeating License Covers Illegal  
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- S 464 National Rifle Association Special Plate  
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- S 1431 Registration Plates  
(H Finance Com) ..... 116, 338, 348.
- S 1118 Special License Plates  
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- S 1083 Staggered Plates/Safety Inspection Change  
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- S 754 Stock Car Racing Theme Special Plates  
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- S 1269 ABC Licensees to Recycle Beverage Containers  
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- S 1111 Establish Marine Fisheries Violation Points System  
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- S 1301 Phosphorous Nutrient Management/Animal Feedlots  
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- S 20 Professional Employer Organization Regulated  
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- S 1145 Revenue Laws Technical Changes  
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- H 831 Saltwater Fishing Fund/Holdover Appointments  
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- S 6 Strengthen Law Enforcement vs. Video Poker  
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- S 1225 Technical Corrections Act 2004  
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- S 1384 Barbering Laws Amended/Increase Fees  
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**MADISON COUNTY**—District 47—Senator Joe Sam Queen

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- S 1070 Federal Enforcement by Marine Inspectors  
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- S 1112 Fishery Management Plan Requirements Amended  
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- S 1071 Recreational Shellfish License/Amend Shellfish Laws  
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- H 831 Saltwater Fishing Fund/Holdover Appointments  
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- S 1042 Marriage by Superior Court Judge  
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- S 1057 Defense of Marriage  
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**MARTIN COUNTY**—District 3—Senator S. Clark Jenkins

**MCDOWELL COUNTY**—District 47—Senator Joe Sam Queen

- S 1094 Electronic Filing/Register of Deeds  
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- S 1271 County Medicaid Share Five-Year Phase-Out  
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- H 1469 Department of Health and Human Services Disease  
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- S 1154 Department of Health and Human Services Study/  
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- S 1124 Structured Sentencing/Post Release Supervision Amended  
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- S 1225 Technical Corrections Act 2004  
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SUBSTANCE ABUSE ACT OF 1985 [G.S. 122C]**

- H 1414 2004 Appropriations Act  
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S 1160	In-State Tuition for Military Reservists (Education/Higher Education Com).....	61.
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S 1158	Military Base Land Preservation Fund (Appropriations/Base Budget Com).....	61.
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S 1161	Military Planning Notices (S.L. 2004-75.).....	61, 155, 174, 242, 252, 256, 358.
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- S 1159 Military Affairs Commission Membership  
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- S 1058 University of North Carolina and Community College  
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- H 1471 Bakersville Deannexation  
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- H 1203 Amend and Study Motor Fuel Marketing Act  
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**MONTGOMERY COUNTY—District 29—Senator Jerry Tillman**

- H 1589 Montgomery Commissioner Elections  
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- S 179 Senate District 29 Local Act-1  
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- H 1529 Moore School Buses/2005 US Open  
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- S 1233 Pinebluff Unopened Trolley Easements  
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H 281	2003 Technical Corrections Act (S.L. 2004-203.) (Inc. S.L. 2004-124.) .....	520, 580, 591, 616, 637.
H 1414	2004 Appropriations Act (S.L. 2004-124.).....	143, 181, 189, 235, 237, 241, 252, 254, 255, 588, 593, 597, 598, 625.
S 1383	4-H Special Registraton Plate (Finance Com) .....	107.
S 577	Adjust Court Jurisdiction/Amend Magistrate Term (S.L. 2004-128.).....	582, 592, 597, 625.
S 1043	Aggregate Truck Weight Limits (S.L. 2004-145.).....	15, 249, 268, 384, 393, 399, 627.
H 1046	Aggressive Driving (S.L. 2004-193.).....	389, 401, 419, 469, 636.
H 26	Camera Defeating License Covers Illegal (S.L. 2004-79.).....	195, 208, 273, 358.
S 1218	Child Restraint Systems Modified (S.L. 2004-191.).....	70, 91, 122, 410, 424, 431, 635.
H 1152	Clarify Disclosure Motor Vehicle Total Loss Claim (H Rules, Calendar, and Operations of the House Com) (Inc. S.L. 2004-161.).....	241, 252, 265, 276, 323, 336.
S 1294	Columbus County Visitor Center Funds (Appropriations/Base Budget Com).....	83.
S 1341	DMV Officers Supplemental Jurisdiction (Judiciary I Com).....	95.
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H 1343 Moped ID Tags  
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S 1171 Motor Fuels Tax Changes  
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 188, 194, 207.

S 1192 Motor Vehicles Transfer Disclosure of Total Loss Claim  
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S 464 National Rifle Association Special Plate  
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S 852 Organ Donor Organizations/Access to DMV Records  
 (S.L. 2004-189.)..... 384, 392, 399, 635.

S 1364 Passenger Vehicle Towers to Keep Right  
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S 1086 Public Transit Deceleration Lamps  
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S 1431 Registration Plates  
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H 1345 Special Officers Authority/DOT Technical Correction  
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S 1083 Staggered Plates/Safety Inspection Change  
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S 1203 State Budget Act  
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H 1565 State Budget Act  
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S 1076 State Highway Patrol Authority  
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S 754 Stock Car Racing Theme Special Plates  
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H 1555 Tag Agents Title Transaction Fee  
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S 1225 Technical Corrections Act 2004  
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S 1091 Transit Operators Drug Test  
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- S 1093 Edgecombe/Halifax/Lenoir/Nash/Pender/Wilson  
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- H 1728 Lake Royale Police Authority  
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- S 1321 Nash County Local Act  
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- Co-Sponsor..... 1054, 1097, 1103, 1104, 1144, 1170,  
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**NEW HANOVER COUNTY**—District 9—Senator Haywood E. (Woody) White**NORTHAMPTON COUNTY**—District 4—Senator Robert Holloman**NOTARIES [G.S. 10A]**

- S 1225 Technical Corrections Act 2004  
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- H 1513 Increase Local Government Death Benefit  
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- H 1624 Increase Retirees' Contributory Death Benefit  
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**ONSLow COUNTY**—District 6—Senator Cecil S. Hargett, Jr.

- H 1593 Swansboro Annexation  
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- H 1385 Various Municipalities Satellite Annexation  
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**ORANGE COUNTY**—District 23—Senator Ellie Kinnaird

- S 1123 Chapel Hill Campaign Finance Options  
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- H 1547 Chapel Hill Open Space/Development Rights  
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- S 1122 Chapel Hill School Sites  
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251, 257, 274.
- S 1094 Electronic Filing/Register of Deeds  
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- S 1188 Horace Williams Airport  
(Rules and Operations of the Senate Com) ..... 66.
- S 1265 Orange/Chatham Boundary  
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- H 429 Monetary Compensation/Outdoor Advertising  
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- H 1213 Monetary Compensation/Outdoor Advertising  
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216, 270, 328, 396.

**PAMLICO COUNTY**—District 2—Senator Scott Thomas

- S 1297 Senate District 2 Local Act-1  
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- S 1298 Senate District 2 Local Act-2  
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**PASQUOTANK COUNTY**—District 1—Senator Marc Basnight

**PENDER COUNTY**—District 8—Senator R. C. Soles, Jr.

- S 1093 Edgecombe/Halifax/Lenoir/Nash/Pender/Wilson  
Tax Certification (S.L. 2004-65.) ..... 30, 86, 96, 121, 337,  
345, 350, 357.
- S 1094 Electronic Filing/Register of Deeds  
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- S 1108 Pender County Local Act  
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- S 1113 Senate District 8 Local Act  
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**PERQUIMANS COUNTY**—District 1—Senator Marc Basnight

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S 1038	Greenville Parking Deck Projects (Commerce Com) .....	15.
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- S 823 Amend Environmental Laws-3/Appointments  
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- S 1303 Environmental Reports Amendments  
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- S 1064 Finance Parks, Heritage, and Clean Water  
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- H 1411 Hatteras Village/Temporary Unvegetated Beach Area  
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- S 1203 State Budget Act  
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- S 1269 ABC Licensees to Recycle Beverage Containers  
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S 1177 Randleman Satellite Annexations (H Rules, Calendar, and Operations of the House Com).....	63, 85, 99, 121.
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S 179 Senate District 29 Local Act-1 (State Government, Local Government, and Veterans' Affairs Com).....	219.
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S 1208 Wilson County Deeds/Delinquent Taxes (Finance Com) .....	69.

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S 1442	Antiterrorism/End Residency Affidavits Legislation (Rules and Operations of the Senate Com) .....	270.
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S 1401	Authorize Legislation/DMV Officers Enforce Laws (Rules and Operations of the Senate Com) .....	111.
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H 1540	Enabling Resolution/UNC/Out-of-State Students (Rules and Operations of the Senate Com) .....	288.
S 1049	Enabling/Amend Sex Offender Registration (Rules and Operations of the Senate Com) .....	16, 22.
S 1232	Enabling/Federal Jurisdiction/Council of State (Rules and Operations of the Senate Com) .....	74.
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S 1347	Kannapolis ABC Store Election (S.L. 2004-92.).....	101, 192, 206, 400, 414.
S 1260	Rowan County Local Act (Rules and Operations of the Senate Com).....	78.
S 1165	Senate District 36 Local Act (Rules and Operations of the Senate Com).....	62.
S 1262	Senate District 36 Local Act-2 (Rules and Operations of the Senate Com).....	78.

**RUCHO, SENATOR ROBERT A.**.....**39<sup>th</sup> District—Mecklenburg** (part).  
Absent of Leave..... 59, 64, 182 (portion), 218,  
355, 467, 577, 599.

## Paired Votes—

S 1064	Finance Parks, Heritage, and Clean Water.....	168.
H 1414	2004 Appropriations Act.....	242, 252, 597.
H 1464	School Calendar Changes .....	515, 608.

## Remarks Spread—

S 1098	Finance Cancer Center and Cardio Institute .....	49.
	His Service in Senate.....	439.

## Bills and Resolutions—(Senate Bills)

Primary Sponsor.....	None.
Co-Sponsor.....	1053, 1072, 1073, 1103, 1104, 1264, 1366, 1371, 1386, 1411, 1413, 1416, 1424, 1425, 1426, 1438, 1440, 1442.

**RULES OF CIVIL PROCEDURE [G.S. 1A]**

- S 1203 State Budget Act  
(State Government, Local Government, and  
Veterans' Affairs Com) ..... 68.
- S 1225 Technical Corrections Act 2004  
(S.L. 2004-199.)..... 71, 100, 398, 405,  
423, 611, 616, 636.

**RUTHERFORD COUNTY—District 46—Senator Walter Dalton**

- S 1408 Memorializing General Rutherford/  
Rutherford County Anniversary  
(Res. 9.) ..... 112, 252, 275, 332.
- S 1205 Rutherfordton ABC Distributions  
(S.L. 2004-90.)..... 68, 175, 259,  
283, 400, 413.
- S 1206 Senate District 46 Local Act-1  
(Rules and Operations of the Senate Com) ..... 68.

**SALARIES, FEES AND ALLOWANCES [G.S. 138]**

- S 1203 State Budget Act  
(State Government, Local Government, and  
Veterans' Affairs Com) ..... 68.
- H 1565 State Budget Act  
(Rules and Operations of the Senate Com) ..... 288.

**SAMPSON COUNTY—District 10—Senator Charles Albertson**

- H 1669 Clinton City Schools Property Transfer  
(S.L. 2004-69.)..... 286, 335, 344, 351, 357.

**SAVINGS AND LOAN ASSOCIATIONS [G.S. 54B]**

- H 281 2003 Technical Corrections Act  
(S.L. 2004-203.) (Inc. S.L. 2004-124.) ..... 520, 580, 591, 616, 637.

**SAVINGS BANKS [G.S. 54C]**

- H 281 2003 Technical Corrections Act  
(S.L. 2004-203.) (Inc. S.L. 2004-124.) ..... 520, 580, 591, 616, 637.

**SCHOOL CALENDAR**

- S 1213 School Calendar Changes  
(Education/Higher Education Com)..... 69.
- H 1464 School Calendar Changes  
(S.L. 2004-180.).....429, 447, 477, 511, 512, 514, 574,  
576, 584, 600, 609, 616, 633.

**SCOTLAND COUNTY—District 25—Senator William R. Purcell**

- S 1129 Senate District 25 Local Act-1  
(Rules and Operations of the Senate Com) ..... 55.
- S 1130 Senate District 25 Local Act-2  
(Rules and Operations of the Senate Com) ..... 55.
- S 1131 Senate District 25 Local Act-3  
(Rules and Operations of the Senate Com) ..... 55.

**SECURITIES ACT [G.S. 78A]**

H 281 2003 Technical Corrections Act  
(S.L. 2004-203.) (Inc. S.L. 2004-124.) ..... 520, 580, 591, 616, 637.

**SENATE STAFF** ..... 684.

**SERGEANT-AT-ARMS** (Cecil Goins)

**SETOFF DEBT COLLECTION ACT [G.S. 105A]**

H 1497 Adopt Flat Fee for Debt Collection  
(S.L. 2004-21.) ..... 109, 156, 174,  
180, 182, 258.

H 1420 Regional Agency Debt Setoff  
(S.L. 2004-138.) ..... 144, 246, 265, 327, 413, 626.

**SHAW, SENATOR LARRY** ..... **21<sup>st</sup> District—Cumberland** (part).

Absent of Leave ..... 380 (portion), 577.

Adjournment Motion—Second ..... 123, 152.

Paired Votes—

H 1414 2004 Appropriations Act ..... 597.

H 1464 School Calendar Changes ..... 608.

Bills and Resolutions—(Senate Bills)

Primary Sponsor ..... 1121, 1126, 1195, 1409,  
1410, 1436, 1437, 1446.

Co-Sponsor ..... 1045, 1097, 1196, 1411,  
1426, 1438, 1440, 1441.

**SHERIFFS' EDUCATION AND TRAINING [G.S. 17E]**

H 1354 Strengthen Domestic Violence Laws  
(S.L. 2004-186.) ..... 271, 347, 359, 371,  
391, 431, 635.

**SHUBERT, SENATOR FERN** ..... **35<sup>th</sup> District—Mecklenburg** (part), **Union**.

Absent of Leave ..... 218, 342, 478 (portion).

Paired Votes—

H 1464 School Calendar Changes ..... 515.

Remarks Spread—

S 1098 Finance Cancer Center and Cardio Institute ..... 51.

H 1342 Honoring Eugene McCombs ..... 199.

Her Service in Senate ..... 439.

Bills and Resolutions—(Senate Bills)

Primary Sponsor ..... 1066, 1353, 1365, 1366, 1442.

Co-Sponsor ..... 1099, 1101, 1103, 1104, 1242, 1289,  
1300, 1386, 1387, 1407, 1411, 1413,  
1424, 1425, 1426, 1427, 1438, 1440.

**SLOAN, SENATOR R. B., JR.**.....**41<sup>st</sup> District**—Alexander, **Iredell**.  
 Absent of Leave..... 85, 370 (portion), 412 (portion), 467 (portion),  
 577 (portion), 608 (portion).  
 Committee Assignments—  
 Conference ..... 339.  
 Election/Deputy Republican Whip ..... 98.  
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 H 1352 Emergency Funding for One NC & NEIT ..... 197.  
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 H 1807 Honoring Founders of Duke Power ..... 368.  
 Bills and Resolutions—(Senate Bills)  
 Primary Sponsor ..... 1288.  
 Co-Sponsor..... 1045, 1046, 1057, 1061, 1062, 1063,  
 1094, 1097, 1103, 1104, 1115, 1116,  
 1117, 1120, 1144, 1190, 1204, 1227,  
 1242, 1278, 1289, 1300, 1366, 1383,  
 1386, 1407, 1411, 1424, 1425, 1426,  
 1427, 1438,1440, 1441, 1442.

**SMALL SCHOOL SYSTEMS**

S 1031 Small School System Supplemental Funding  
 (Appropriations/Base Budget Com)..... 14.  
 S 1050 Small School System Supplemental Funding  
 (Education/Higher Education Com)..... 21.

**SMITH, SENATOR FRED** .....**12<sup>th</sup> District**—Johnston, Wayne (part).  
 Absent of Leave ..... 64.  
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 H 1435 Honor James “Willie” York..... 128.  
 S 1438 Memorializing President Ronald W. Reagan..... 165.  
 Bills and Resolutions—(Senate Bills)  
 Primary Sponsor ..... 1125, 1237, 1241, 1369, 1411.  
 Co-Sponsor..... 1041, 1045, 1046, 1053, 1057, 1097,  
 1098, 1099, 1100, 1101, 1102, 1103,  
 1104, 1144, 1213, 1223, 1278, 1289,  
 1304, 1357, 1407, 1413, 1427, 1438,  
 1440, 1442.

**SOCIAL SERVICES [G.S. 108A]**

H 281 2003 Technical Corrections Act  
 (S.L. 2004-203.) (Inc. S.L. 2004-124.) ..... 520, 580, 591, 616, 637.  
 H 1414 2004 Appropriations Act  
 (S.L. 2004-124.)..... 143, 181, 189, 235, 237,  
 241, 252, 254, 255, 588,  
 593, 597, 598, 625.

**SOCIAL SERVICES [G.S. 108A]** (continued)

S 1271	County Medicaid Share Five-Year Phase-Out (Appropriations/Base Budget Com).....	80.
S 1387	Proof of Legal Status Required/Social Services (Held as Filed) .....	108.
S 1203	State Budget Act (State Government, Local Government, and Veterans' Affairs Com) .....	68.
H 1565	State Budget Act (Rules and Operations of the Senate Com) .....	288.

**SOLES, SENATOR R. C., JR.**..... **8<sup>th</sup> District**—Brunswick,  
Columbus, Pender.

Absent of Leave .....	176, 355, 599.
Adjournment Motion—Second.....	309, 350, 409.
Committee Assignments—	
Conference .....	475, 476.
Standing/Select.....	13.
Bills and Resolutions—(Senate Bills)	
Primary Sponsor .....	1047, 1051, 1108, 1109, 1113, 1114, 1189, 1190, 1191, 1192, 1202, 1293, 1294, 1343.
Co-Sponsor .....	1045, 1058, 1059, 1074, 1075, 1094, 1097, 1098, 1196, 1300, 1339, 1384, 1417, 1438, 1440, 1441.

**SOLID WASTE MANAGEMENT LOAN PROGRAM [G.S. 159I]**

S 137	Special Obligation Debt/Purposes (S.L. 2004-151.).....	518, 580, 595, 615, 628.
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**STANLY COUNTY**—District 25—Senator William R. Purcell

H 1475	Badin Satellite Annexation (S.L. 2004-40.).....	144, 246, 266, 282, 290, 319.
S 1133	Misenheimer Municipal Elections (S.L. 2004-19.).....	55, 125, 135, 245, 258.
H 1678	Norwood Annexations (S.L. 2004-43.).....	179, 247, 267, 283, 290, 319.
S 1129	Senate District 25 Local Act-1 (Rules and Operations of the Senate Com) .....	55.
S 1130	Senate District 25 Local Act-2 (Rules and Operations of the Senate Com) .....	55.
S 1131	Senate District 25 Local Act-3 (Rules and Operations of the Senate Com) .....	55.

**STATE ART MUSEUM; SYMPHONY AND ART SOCIETIES [G.S. 140]**

S 1203	State Budget Act (State Government, Local Government, and Veterans' Affairs Com) .....	68.
H 1565	State Budget Act (Rules and Operations of the Senate Com) .....	288.

**STATE DEBT [G.S. 142]**

H 281 2003 Technical Corrections Act  
 (S.L. 2004-203.) (Inc. S.L. 2004-124.) ..... 520, 580, 591, 616, 637.

S 1404 Clean Water Act of 2004  
 (Finance Com) ..... 112.

H 1264 Finance Vital Projects/Studies  
 (S.L. 2004-179.)..... 217, 342, 345, 362,  
 428, 448, 509, 579,  
 583, 591, 598, 633.

S 1145 Revenue Laws Technical Changes  
 (S.L. 2004-170.)..... 57, 139, 148, 153, 384,  
 389, 407, 423, 431, 631.

S 1098 State Health and Biotechnology Financing  
 (Appropriations/Base Budget Com)..... 33, 38, 39, 60, 209.

S 1373 Water Conservation in Government Facilities  
 (Finance Com) ..... 105.

**STATE DEPARTMENTS, INSTITUTIONS, AND COMMISSIONS [G.S. 143]**

H 281 2003 Technical Corrections Act  
 (S.L. 2004-203.) (Inc. S.L. 2004-124.) ..... 520, 580, 591, 616, 637.

H 1414 2004 Appropriations Act  
 (S.L. 2004-124.)..... 143, 181, 189, 235, 237,  
 241, 252, 254, 255, 588,  
 593, 597, 598, 625.

S 823 Amend Environmental Laws-3/Appointments  
 (S.L. 2004-195.)..... 590, 593, 597, 636.

S 1303 Environmental Reports Amendments  
 (Agriculture/Environment/Natural Resources Com) ..... 84.

H 1264 Finance Vital Projects/Studies  
 (S.L. 2004-179.)..... 217, 342, 345, 362,  
 428, 448, 509, 579,  
 583, 591, 598, 633.

H 964 Furniture Requirements Contracts  
 (S.L. 2004-115.)..... 250, 268, 331, 618.

S 991 Improve State Information Technology Efficiency  
 and Project Management  
 (S.L. 2004-129.)..... 329, 333, 346, 362,  
 382, 383, 410, 478,  
 505, 506, 578, 625.

S 1220 Leaking Underground Storage Tank Fund Liquidity  
 (Agriculture/Environment/Natural Resources Com) ..... 71.

S 1222 Limit Liability for Environmental Cleanups  
 (Judiciary I Com)..... 71.

S 1376 Low Emission Vehicles Program/Funds  
 (Agriculture/Environment/Natural Resources Com) ..... 106.

S 1008 Non-State Entities Reporting Requirements  
 (S.L. 2004-196.)..... 610, 615, 636.

**STATE DEPARTMENTS, INSTITUTIONS, AND COMMISSIONS [G.S. 143]** (continued)

S 1327	Non-State Entities Reporting Requirements (Appropriations/Base Budget Com).....	93, 246, 265.
S 1301	Phosphorous Nutrient Management/Animal Feedlots (Agriculture/Environment/Natural Resources Com) .....	84.
H 1112	Phosphorus Nutrient Management/Animal Feedlots (S.L. 2004-176.).....	346, 370, 413, 632.
S 1067	Probation and Parole Officers Death Benefits Conservation (Appropriations/Base Budget Com) (Inc. S.L. 2004-124.).....	27.
S 1418	Repairs and Renovations Funds Tied to Energy/Water (Appropriations/Base Budget Com).....	114.
S 1203	State Budget Act (State Government, Local Government, and Veterans' Affairs Com) .....	68.
H 1565	State Budget Act (Rules and Operations of the Senate Com) .....	288.
S 1365	State Grantees Disclose (Held as Filed) .....	104.
S 1098	State Health and Biotechnology Financing (Appropriations/Base Budget Com).....	33, 38, 39, 60, 209.
S 1224	State Nature and Historic Preserve Removals (Agriculture/Environment/Natural Resources Com) .....	71.
H 1607	State Nature and Historic Preserve Removals (S.L. 2004-25.).....	145, 187, 196, 201, 258.
S 1366	State Retiree Disclosures/Health Benefit Liability (Held as Filed) .....	104.
S 1225	Technical Corrections Act 2004 (S.L. 2004-199.).....	71, 100, 398, 405, 423, 611, 616, 636.
S 1373	Water Conservation in Government Facilities (Finance Com) .....	105.
S 933	Wetlands Reimbursement/Local Tax Base (S.L. 2004-188.).....	191, 215, 216, 356, 635.

**STATE EMPLOYEE HEALTH PLAN**

S 1342	Hospital Services Payments by Prison/State Hospital (Appropriations/Base Budget Com).....	95.
S 1421	LRC Study State Health Plan Newborn Coverage (Rules and Operations of the Senate Com) (Inc. S.L. 2004-161.).....	115.

**STATE EMPLOYEES**

H 1414	2004 Appropriations Act (S.L. 2004-124.).....	143, 181, 189, 235, 237, 241, 252, 254, 255, 588, 593, 597, 598, 625.
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**STATE EMPLOYEES (continued)**

H 354	Amend Disability Laws (S.L. 2004-78.).....	127, 149, 260, 270, 285, 289, 358.
S 1079	DOT Retired Engineers (Pensions & Retirement and Aging Com) .....	28, 124.
H 1624	Increase Retirees' Contributory Death Benefit (S.L. 2004-147.).....	341, 352, 365, 371, 628.
S 1240	State Employees/Teachers Pay Increases (Appropriations/Base Budget Com) (Inc. S.L. 2004-124.).....	75, 91, 132.
S 1416	State Employees/Teachers Pay Increases (Appropriations/Base Budget Com) (Inc. S.L. 2004-124.).....	114.
S 1366	State Retiree Disclosures/Health Benefit Liability (Held as Filed) .....	104.

**STATE GOVERNMENT REORGANIZATION [G.S. 143A]**

S 1203	State Budget Act (State Government, Local Government, and Veterans' Affairs Com) .....	68.
H 1565	State Budget Act (Rules and Operations of the Senate Com) .....	288.

**STATE LANDS [G.S. 146]**

S 933	Wetlands Reimbursement/Local Tax Base (S.L. 2004-188.).....	191, 215, 216, 356, 635.
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**STATE NATURE AND HISTORIC PRESERVE/STATE PARKS**

S 1064	Finance Parks, Heritage, and Clean Water (H Appropriations Com) .....	26, 141, 142, 156, 158, 168, 173, 174.
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**STATE OFFICERS [G.S. 147]**

H 281	2003 Technical Corrections Act (S.L. 2004-203.) (Inc. S.L. 2004-124.) .....	520, 580, 591, 616, 637.
H 1414	2004 Appropriations Act (S.L. 2004-124.).....	143, 181, 189, 235, 237, 241, 252, 254, 255, 588, 593, 597, 598, 625.
S 1097	Closing the Equity Gap/Increase Homeownership (Appropriations/Base Budget Com).....	33.
H 1264	Finance Vital Projects/Studies (S.L. 2004-179.).....	217, 342, 345, 362, 428, 448, 509, 579, 583, 591, 598, 633.



**STATE OFFICERS [G.S. 147]** (continued)

S 991	Improve State Information Technology Efficiency and Project Management (S.L. 2004-129.).....	329, 333, 346, 362, 382, 383, 410, 478, 505, 506, 578, 625.
S 1008	Non-State Entities Reporting Requirements (S.L. 2004-196.).....	610, 615, 636.
S 1327	Non-State Entities Reporting Requirements (Appropriations/Base Budget Com).....	93, 246, 265.
S 1203	State Budget Act (State Government, Local Government, and Veterans' Affairs Com).....	68.
H 1565	State Budget Act (Rules and Operations of the Senate Com).....	288.
S 1366	State Retiree Disclosures/Health Benefit Liability (Held as Filed) .....	104.

**STATE PARKS SYSTEM**

H 1264	Finance Vital Projects/Studies (S.L. 2004-179.).....	217, 342, 345, 362, 428, 448, 509, 579, 583, 591, 598, 633.
S 1224	State Nature and Historic Preserve Removals (Agriculture/Environment/Natural Resources Com) .....	71.
H 1607	State Nature and Historic Preserve Removals (S.L. 2004-25.).....	145, 187, 196, 201, 258.
H 1574	State Parks System Additions and Study (S.L. 2004-24.).....	145, 187, 196, 202, 258.
S 1270	State Parks Systems Additions and Study (H Rules, Calendar, and Operations of the House Com).....	79, 143, 157.

**STATE PERSONNEL SYSTEM [G.S. 126]**

H 1414	2004 Appropriations Act (S.L. 2004-124.).....	143, 181, 189, 235, 237, 241, 252, 254, 255, 588, 593, 597, 598, 625.
S 991	Improve State Information Technology Efficiency and Project Management (S.L. 2004-129.).....	329, 333, 346, 362, 382, 383, 410, 478, 505, 506, 578, 625.
S 1203	State Budget Act (State Government, Local Government, and Veterans' Affairs Com).....	68.
H 1565	State Budget Act (Rules and Operations of the Senate Com).....	288.

**STATE PRISON SYSTEM [G.S. 148]**

- H 281 2003 Technical Corrections Act  
(S.L. 2004-203.) (Inc. S.L. 2004-124.) ..... 520, 580, 591, 616, 637.
- S 1342 Hospital Services Payments by Prison/State Hospital  
(Appropriations/Base Budget Com)..... 95.

**STATUTORY LIENS AND CHARGES [G.S. 44A]**

- S 577 Adjust Court Jurisdiction/Amend Magistrate Term  
(S.L. 2004-128.)..... 582, 592, 597, 625.

**STEVENS, SENATOR RICHARD Y. .... 17<sup>th</sup> District—Wake (part).**

- Absent of Leave ..... 96.
- Adjournment Motion—Second..... 383.
- Committee Assignments—
  - Conference ..... 409.
- Escorts—
  - Kirsten Elrod, Miss North Carolina..... 401.
- Excused Votes—
  - H 1624 Increase Retirees’ Contributory Death Benefit ..... 365.
- Paired Votes—
  - H 1464 School Calendar Changes ..... 515.
- Remarks Spread—
  - H 1435 Honor James “Willie” York..... 129.
- Bills and Resolutions—(Senate Bills)
  - Primary Sponsor .....1163, 1234, 1238, 1305, 1309.
  - Co-Sponsor.....1061, 1063, 1094, 1097, 1098, 1103,  
1104, 1115, 1120, 1224, 1226, 1227,  
1240, 1247, 1248, 1278, 1289, 1300,  
1323, 1366, 1372, 1377, 1379, 1395,  
1396, 1411, 1413, 1424, 1425, 1427,  
1438, 1440, 1442.

**STOKES COUNTY—District 30—Senator John Garwood**

**STUDIES**

- H 1414 2004 Appropriations Act  
(S.L. 2004-124.)..... 143, 181, 189, 235, 237,  
241, 252, 254, 255, 588,  
593, 597, 598, 625.
- H 1203 Amend and Study Motor Fuel Marketing Act  
(Finance Com) ..... 100, 401.
- H 1427 Amend Shellfish Laws  
(S.L. 2004-150.)..... 397, 471, 516, 578, 628.
- S 676 Banking Laws of North Carolina Revised  
(S.L. 2004-171.)..... 132, 137, 169, 372,  
409, 412, 632.
- S 1148 Care for the Mentally Ill in Long Term Care Facilities  
(S.L. 2004-144.)..... 57, 126, 136, 410,  
424, 431, 627.

**STUDIES** (continued)

S 1216	Child Protective Services Special Provisions (Rules and Operations of the Senate Com).....	70.
H 1602	Delays Dollar Limit on Credit for Partnerships (S.L. 2004-134.).....	330, 352, 365, 400, 626.
S 1154	Department of Health and Human Services Study/ Medicaid Institutional Bias (Health and Human Resources Com) (Inc. S.L. 2004-124.).....	58.
S 1248	Dorothea Dix Property/Development of Master Plan (Appropriations/Base Budget Com).....	76.
S 1374	Environmental Review Commission Air Quality/ Transportation Studies (Rules and Operations of the Senate Com) (Inc. S.L. 2004-161.).....	106.
S 1428	Extend Swift Creek Study/Funds (Appropriations/Base Budget Com).....	116.
S 1195	Fayetteville State University-School of Engineering (Appropriations/Base Budget Com).....	67.
H 1264	Finance Vital Projects/Studies (S.L. 2004-179.).....	217, 342, 345, 362, 428, 448, 509, 579, 583, 591, 598, 633.
H 1356	Increase Fees/Qualifications for DWI Assessments (S.L. 2004-197.).....	108, 125, 338, 347, 363, 371, 636.
S 1427	Interstate Tax Cooperation Study (Rules and Operations of the Senate Com).....	116.
S 1372	Local School Construction Financing Study (Rules and Operations of the Senate Com) (Inc. S.L. 2004-161) (Inc. S.L. 2004-124.).....	105.
S 1421	LRC Study State Health Plan Newborn Coverage (Rules and Operations of the Senate Com) (Inc. S.L. 2004-161.).....	115.
S 1268	LRC Study/Naturopathic Practitioner License/Funds (Rules and Operations of the Senate Com) (Inc. S.L. 2004-161.).....	79.
S 1301	Phosphorous Nutrient Management/Animal Feedlots (Agriculture/Environment/Natural Resources Com) .....	84.
S 1313	Postretirement Earnings Study (Rules and Operations of the Senate Com) (Inc. S.L. 2004-161.).....	88.
S 1071	Recreational Shellfish License/Amend Shellfish Laws (Agriculture/Environment/Natural Resources Com) .....	27.
S 1409	Regional Water Supplies/Study/Funds (Appropriations/Base Budget Com) (Inc. S.L. 2004-161.).....	113.

**STUDIES** (continued)

H 831	Saltwater Fishing Fund/Holdover Appointments (S.L. 2004-187.).....	326, 329, 330, 335, 598, 635.
H 1455	State Board of Education Study Alternative Learning Programs Funding (S.L. 2004-76.).....	108, 214, 220, 249, 256, 358.
H 1456	State Board of Education Study Use of At-Risk Funds (S.L. 2004-73.).....	144, 214, 220, 249, 256, 357.
H 1459	State Board of Education/Study Teacher Preparation Courses (S.L. 2004-116.).....	272, 334, 348, 350, 618.
S 1330	State Business Taxation Study (Rules and Operations of the Senate Com) (Inc. S.L. 2004-161.) (Inc. S.L. 2004-124.) .....	93.
S 1377	State Fire Protection Study/Funds (Rules and Operations of the Senate Com) (Inc. S.L. 2004-161.).....	106.
S 1098	State Health and Biotechnology Financing (Appropriations/Base Budget Com).....	33, 38, 39, 60, 209.
H 1574	State Parks System Additions and Study (S.L. 2004-24.).....	145, 187, 196, 202, 258.
S 1270	State Parks Systems Additions and Study (H Rules, Calendar, and Operations of the House Com) .....	79, 143, 157.
S 1378	State Personnel Act Study/Funds (Rules and Operations of the Senate Com) (Inc. S.L. 2004-161.).....	106.
S 1336	State-Local Relationships Study (Rules and Operations of the Senate Com) (Inc. S.L. 2004-161.).....	94.
H 1354	Strengthen Domestic Violence Laws (S.L. 2004-186.).....	271, 347, 359, 371, 391, 431, 635.
S 1152	Studies Act of 2004 (S.L. 2004-161.).....	58, 506, 611, 612, 613, 614, 616, 630.
S 1150	Study Mentally Ill Long-term Care Resident Issues (Appropriations/Base Budget Com) (Inc. S.L. 2004-161.).....	58, 90.
S 1168	Study Smart Start Funding (Appropriations/Base Budget Com).....	62.
H 1555	Tag Agents Title Transaction Fee (S.L. 2004-77.).....	235, 247, 268, 284, 289, 358.

**STUDIES** (continued)

- H 1413 Tax Credit for Long-Term Care Insurance  
(Finance Com) ..... 209.
- S 1415 Voter Paper Trail Study  
(Rules and Operations of the Senate Com)  
(Inc. S.L. 2004-161.)..... 114.
- S 1196 Youthful Offender Study  
(Rules and Operations of the Senate Com)..... 67.

**SURRY COUNTY**—District 30—Senator John Garwood

**SURVIVING SPOUSES [G.S. 30]**

- H 281 2003 Technical Corrections Act  
(S.L. 2004-203.) (Inc. S.L. 2004-124.) ..... 520, 580, 591, 616, 637.

**SWAIN COUNTY**—District 50—Senator Robert Carpenter

- SWINDELL, SENATOR A. B., IV** ..... **11<sup>th</sup> District**—Franklin,  
**Nash, Vance** (part).
- Adjournment Motion—Second..... 92, 329.
- Committee Assignments—
  - Conference ..... 255, 423, 577.
  - Standing/Select..... 10, 12.
- Escorts—
  - The Honorable Ralph A. Hunt..... 7.
- Bills and Resolutions—(Senate Bills)
  - Primary Sponsor ..... 1146, 1147, 1148, 1149, 1150, 1151,  
1152, 1153, 1154, 1226, 1227, 1239,  
1319, 1320, 1321, 1322, 1323.
  - Co-Sponsor..... 1041, 1046, 1048, 1049, 1054, 1059,  
1074, 1075, 1098, 1099, 1100, 1101,  
1102, 1144, 1170, 1223, 1240, 1300,  
1367, 1383, 1384, 1406, 1411, 1438,  
1440.

**TASK FORCES**

- H 1354 Strengthen Domestic Violence Laws  
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